**Tuesday, May 15, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

The Psalmist proclaimed:

“Unless the Lord builds the house, its builders labor in vain. Unless the Lord watches over the city, the watchmen stand guard in vain.” (Psalm 127:1)

Join me as we bow in prayer:

Holy God, as these leaders seek to respond to the many, many needs of South Carolinians here in this year, 2012, we fervently urge them to keep You and Your desires for Your people centermost in their hearts and minds. Indeed, may these Senators and their staff members find themselves strengthened and emboldened by their determination to honor You, Lord, in all that they try to bring about for the good people they are called upon to serve. It continues to be a challenging period we find ourselves in, O God. Provide Your blessing to the work of these diligent servants. In Your loving name we pray, dear Lord.

Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Nikki Randhawa Haley:

**Local Appointments**

Reappointment, Greenville County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Gerald W. Barron, 20 Farrell Kirk Lane, Greenville, SC 29615

Reappointment, Greenville County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Lyman W. Davis, 608 North Weston Street, Fountain Inn, SC 29644

Reappointment, Greenville County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

William E. Lynch, 211 Pimlico Rd., Greenville, SC 29607

Reappointment, Greenville County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

William D. Owens, 250 Laurel Road, Greer, SC 29651

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

James F. Ashmore, 302 Five Oaks Dr., Landrum, SC 29356

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Kenneth H. Dover, Post Office Box 642, Inman, SC 29349

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

James E. Talley, 482 South Irwin Ave., Spartanburg, SC 29306

Initial Appointment, Williamsburg County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Glannie E. Tisdale, 972 Taft Road, Salters, SC 29590

**REGULATION WITHDRAWN**

The following was received:

Document No. 4263

Agency: Auctioneers’ Commission

Chapter: 14

Statutory Authority: 1976 Code Sections 40-1-70 and 40-6-60

SUBJECT: Reporting of Continuing Education

Received by Lieutenant Governor February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration: Permanently Withdrawn

Permanently Withdrawn May 11, 2012

**Doctor of the Day**

Senator LOURIE introduced Dr. Anika Bradley, attending physician and program director for USC School of Medicine, Department of Ophthalmology, of Columbia, S.C., Doctor of the Day.

**Doctor of the Day**

Senator COURSON introduced Dr. Erin Lessner, resident at USC School of Medicine and resident chair for SCMA and AMA, of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator SHOOPMAN, at 12:05 P.M., Senator GROOMS was granted a leave of absence until 3:30 P.M.

**Leave of Absence**

On motion of Senator CROMER, at 12:05 P.M., Senator VERDIN was granted a leave of absence for the balance of the day.

**Leave of Absence**

At 2:30 P.M., Senator GREGORY requested a leave of absence until 5:00 P.M.

**Expression of Personal Interest**

Senator COLEMAN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator CAMPSEN rose for an Expression of Personal Interest.

**CO-SPONSOR ADDED**

The following co-sponsor was added to the respective Bill:

S. 1494 Sen. Fair

**RECALLED**

H. 5130 -- Reps. Alexander, Branham and Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF TV ROAD IN FLORENCE COUNTY FROM ITS INTERSECTION WITH MCIVER ROAD TO ITS INTERSECTION WITH WILSON ROAD “DR. WILLIAM P. DIGGS ROAD” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “DR. WILLIAM P. DIGGS ROAD”.

Senator WILLIAMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**RECALLED**

S. 1502 -- Senators Williams and Elliott: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES UNITED STATES HIGHWAY 501 IN MARION COUNTY ALONG SOUTH CAROLINA HIGHWAY 41 “EBBIE JAMES ‘E.J.’ ATKINSON BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “EBBIE JAMES ‘E.J.’ ATKINSON BRIDGE”.

Senator WILLIAMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1524 -- Senators Fair, Hutto, Jackson and Leventis: A CONCURRENT RESOLUTION TO RECOGNIZE THAT ABUSE AND NEGLECT OF CHILDREN IS A SIGNIFICANT PROBLEM AND TO DECLARE WEDNESDAY, MAY 23, 2012, AS “CHILDREN'S ADVOCACY DAY” IN SOUTH CAROLINA.

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The Concurrent Resolution was introduced and referred to the Committee on Invitations.

S. 1525 -- Senator Courson: A CONCURRENT RESOLUTION TO EXPRESS APPRECIATION TO MR. GENE CLARK OF RICHLAND COUNTY FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE INDIAN WATERS COUNCIL OF THE BOY SCOUTS OF AMERICA.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 1526 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BUILDING CODES COUNCIL, RELATING TO DUTIES AND RESPONSIBILITIES OF DEPARTMENT, AND MODULAR BUILDINGS CONSTRUCTION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4226, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1527 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE DAVIS FRAWLEY, LLC, OF LEXINGTON ON ITS FIFTIETH ANNIVERSARY AND TO COMMEND ITS PARTNERS AND STAFF FOR A HALF CENTURY OF OUTSTANDING LEGAL SERVICE TO THE MIDLANDS OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 1528 -- Senator Leventis: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CHARLES A. “CHUCK” GIBBS OF SUMTER COUNTY FOR HIS YEARS OF OUTSTANDING AND DEDICATED SERVICE TO HIS COMMUNITY, HIS STATE, AND HIS NATION.

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The Senate Resolution was adopted.

S. 1529 -- Senators Setzler and Lourie: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE TEAM MEMBERS, TEAM LEADERS, AND INCIDENT COMMANDERS OF THE WESTINGHOUSE NUCLEAR FUELS EMERGENCY RESPONSE TEAM OF RICHLAND COUNTY FOR THEIR ONGOING SUPPORT FOR THE GREATER LOCAL COMMUNITY AND FOR THEIR COMMITMENT TO EXCELLENCE IN EMERGENCY PREPAREDNESS AND RESPONSE.

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The Senate Resolution was adopted.

S. 1530 -- Senator Rose: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. JOE R. WREN FOR HIS FAITHFUL SERVICE AS PASTOR OF SUMMERVILLE BAPTIST CHURCH UPON THE OCCASION OF HIS RETIREMENT FROM ACTIVE MINISTRY ON JUNE 3, 2012, AFTER FORTY-SIX YEARS OF CONTINUOUS PASTORAL MINISTRY.

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The Senate Resolution was adopted.

S. 1531 -- Senator Rose: A SENATE RESOLUTION TO RECOGNIZE EDNA WILSON MILLHOUSE OF SUMMERVILLE ON THE REMARKABLE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER CONTINUED GOOD HEALTH AND MUCH HAPPINESS IN THE YEARS TO COME.

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The Senate Resolution was adopted.

S. 1532 -- Senator Bryant: A JOINT RESOLUTION TO SUSPEND APPLICATION OF THOSE PROVISIONS OF CHAPTER 13, TITLE 7 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, THAT PERMIT STRAIGHT PARTY TICKET VOTING FOR THE 2012 GENERAL ELECTION, AND TO PROVIDE THAT GENERAL ELECTION BALLOTS MAY NOT ALLOW STRAIGHT PARTY TICKET VOTING IN THE 2012 GENERAL ELECTION.

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Senator BRYANT spoke on the Resolution.

Read the first time and referred to the Committee on Judiciary.

S. 1533 -- Senator Elliott: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE DEATH OF JOHNNIE MAE GORE OF HORRY COUNTY AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

H. 3258 -- Rep. Herbkersman: A BILL TO AMEND SECTION 56-3-6500, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF “UNITED STATES NAVAL ACADEMY” SPECIAL LICENSE PLATES, SO AS TO PROVIDE THAT A WIDOW OR WIDOWER OF A GRADUATE OF THE UNITED STATES NAVAL ACADEMY MAY BE ISSUED THIS SPECIAL LICENSE PLATE.

Read the first time and referred to the Committee on Transportation.

H. 4944 -- Reps. Crawford, Patrick, Herbkersman, Brady, Bedingfield, Anderson, Sandifer, Erickson, McCoy, Brannon, Bowers, Gambrell, Hayes, Limehouse, Lowe, Mack, Pinson, Spires, Edge, Stavrinakis and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA TELEMEDICINE INSURANCE REIMBURSEMENT ACT”; BY ADDING SECTION 38-71-295 SO AS TO PROVIDE RELATED DEFINITIONS, TO PROVIDE FOR A PHYSICIAN OR OTHER HEALTH CARE PROVIDER THAT PERFORMS TELEMEDICINE SERVICES IN A CERTAIN MANNER MUST BE REIMBURSED FOR THOSE SERVICES IN THE SAME MANNER AS HEALTH CARE SERVICES PROVIDED THROUGH AN IN-PERSON CONSULTATION, TO PROVIDE DELIVERY OF HEALTH CARE BY MEANS OF TELEMEDICINE MUST SATISFY CERTAIN REQUIREMENTS FOR DELIVERING THE SAME CARE IN PERSON; AND TO PROVIDE THE SOUTH CAROLINA BOARD OF MEDICAL EXAMINERS MAY AUTHORIZE THE PROVISION OF ADDITIONAL HEALTH CARE SERVICES BY CERTAIN MEANS THROUGH THE USE OF STANDARD TELEPHONE, FACSIMILE TRANSMISSIONS, UNSECURED ELECTRONIC MAIL, OR A COMBINATION OF THEM, SUBJECT TO AN EXCEPTION.

Read the first time and referred to the Committee on Banking and Insurance.

H. 5048 -- Reps. Taylor, J. R. Smith, Spires, Clyburn, Hixon and Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-5-200 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL INCLUDE “AIKEN” ON ALL EXISTING AND FUTURE SIGNAGE THAT DIRECTS MOTOR VEHICLE TRAFFIC TO THE CITY OF AUGUSTA, GEORGIA ALONG THE EASTBOUND AND WESTBOUND LANES OF TRAFFIC AT EXIT 107 ON INTERSTATE HIGHWAY 26, AND ALONG THE NORTHBOUND AND SOUTHBOUND LANES OF TRAFFIC AT EXIT 16 ON INTERSTATE HIGHWAY 77.

Read the first time and referred to the Committee on Transportation.

H. 5251 -- Reps. Owens, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE THE WEEK OF MAY 7 THROUGH MAY 11, 2012, AS NATIONAL CHARTER SCHOOL WEEK, AND TO ACKNOWLEDGE THE IMPORTANCE OF EDUCATING THE CHILDREN OF SOUTH CAROLINA IN INNOVATIVE CLASSROOMS AND SCHOOLS.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5256 -- Reps. Brady, Butler Garrick, Spires, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE THAT ABUSE AND NEGLECT OF CHILDREN IS A SIGNIFICANT PROBLEM AND TO DECLARE WEDNESDAY, MAY 23, 2012, AS “CHILDREN’S ADVOCACY DAY” IN SOUTH CAROLINA.

The Concurrent Resolution was adopted, ordered returned to the House.

**REPORT OF STANDING COMMITTEE**

**Appointment Reported**

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

Initial Appointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2010, and to expire June 30, 2014

Association of Supervised Lenders:

Howard H. Wright, Jr., 1047 Eagle Dr., Rock Hill, SC 29732 *VICE* Johnathan Foster

Received as information.

**HOUSE CONCURRENCES**

S. 1521 -- Senator Matthews: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE ADMINISTRATORS, FACULTY, AND STAFF OF ORANGEBURG CONSOLIDATED SCHOOL DISTRICT FIVE TECHNOLOGY CENTER FOR THE SIGNIFICANT IMPACT THEY HAVE MADE ON THE LIVES OF THEIR STUDENTS, AND TO CONGRATULATE THE STUDENTS FOR THE EDUCATIONAL SUCCESS THEY HAVE ACHIEVED.

Returned with concurrence.

Received as information.

S. 1522 -- Senator Matthews: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE ADMINISTRATORS, FACULTY, AND STAFF OF BETHUNE‑BOWMAN MIDDLE/HIGH SCHOOL FOR THE SIGNIFICANT IMPACT THEY HAVE MADE ON THE LIVES OF THEIR STUDENTS, AND TO CONGRATULATE THE STUDENTS FOR THE EDUCATIONAL SUCCESS THEY HAVE ACHIEVED.

Returned with concurrence.

Received as information.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**HOUSE BILL RETURNED**

The following House Bill was read the third time and ordered returned to the House with amendments:

H. 3478 -- Reps. Young, D.C. Moss, Gambrell, Agnew, Bowen, H.B. Brown, Clyburn, Spires, Frye, Bingham, Cobb‑Hunter, Hardwick, Hayes, Herbkersman, Hixon, Horne, Hosey, Lucas, McEachern, Ott, Quinn, G.R. Smith, J.R. Smith, Taylor, Umphlett and White: A BILL TO AMEND SECTION 39‑41‑235, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETROLEUM PRODUCTS AND DIESEL FUEL SUITABLE FOR BLENDING, SALE OF UNBLENDED PRODUCTS WITHOUT NECESSARY ADDITIVES, RECORDKEEPING AND REGISTRATION, ENFORCEMENT, WHOLESALER RESPONSIBILITY, LIABILITY, AND NOTICE, SO AS TO PROVIDE THAT THESE REQUIREMENTS APPLY TO EVERY TERMINAL OPERATOR AND EVERY SUPPLIER.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

H. 3259 -- Reps. Herbkersman and Forrester: A BILL TO AMEND SECTION 56‑3‑115, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF GOLF CARTS ALONG THE STATE’S HIGHWAYS, SO AS TO PROVIDE THAT WHEN A GOLF CART OWNER’S RESIDENCE IS LOCATED WITHIN A GATED COMMUNITY THE TWO‑MILE LIMIT WITHIN WHICH A GOLF CART OWNER MAY OPERATE HIS GOLF CART MUST BE MEASURED FROM THE COMMUNITY’S PRIMARY ENTRANCE AND NOT FROM THE OWNER’S RESIDENCE, TO PROVIDE FOR THE OPERATION OF A GOLF CART ALONG A SECONDARY HIGHWAY OR STREET ON CERTAIN SEA ISLANDS, TO PROVIDE A DEFINITION FOR THE TERM “GATED COMMUNITY”, AND TO PROVIDE THAT A GOLF CART MAY CROSS CERTAIN SECONDARY HIGHWAYS.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

**Motion Under Rule 26B**

Senator CAMPSEN asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

Senator HUTTO proposed the following amendment (3259R007.CBH), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 39 through 41, and page 2, by striking lines 1 and 2, and inserting:

/ (B) An individual or business owner of a vehicle commonly known as a golf cart may obtain a permit decal and registration from the Department of Motor Vehicles upon presenting proof of ownership and liability insurance for the golf cart and upon payment of a five dollar fee. /

Amend the bill further, as and if amended, page 2, by striking line 26 and inserting:

/ (2) proof of liability insurance for the golf cart; and /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 35; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Gregory Hayes Knotts

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Reese Rose Ryberg

Scott Setzler Shoopman

Thomas Williams

**Total--35**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

**AMENDED, READ THE SECOND TIME**

H. 3400 -- Rep. Weeks: A BILL TO AMEND SECTION 63‑3‑530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURISDICTION OF THE FAMILY COURT IN CERTAIN MATTERS, SO AS TO PROVIDE THAT A CHILD SUPPORT OBLIGATION AUTOMATICALLY TERMINATES WHEN THE CHILD TURNS EIGHTEEN OR GRADUATES FROM HIGH SCHOOL, WHICHEVER IS SOONER.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senators SHEHEEN and MASSEY proposed the following amendment (JUD3400.002), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 of the bill in its entirety and inserting:

/ SECTION 1. Section 63-3-530(A)(17) of the 1976 Code is amended to read:

“(17) To make all orders for support run until further order of the court, except that orders for child support run until the child ~~is~~ turns eighteen years of age or until the child is married or becomes self‑supporting, as determined by the court, whichever occurs first~~;~~, or ~~without further order,~~ past the age of eighteen years if the child is enrolled and still attending high school, not to exceed high school graduation or the end of the school year after the child reaches nineteen years of age, whichever is later; or in accordance with a preexisting agreement or order to provide for child support past the age of eighteen years; or in the discretion of the court, to provide for child support past age eighteen ~~where~~ when there are physical or mental disabilities of the child or other exceptional circumstances that warrant the continuation of child support beyond age eighteen for as long as the physical or mental disabilities or exceptional circumstances continue. If child support is being paid through the clerk of court and there are no additional minors covered by the current order, the noncustodial parent shall provide written notice to the clerk of court that support has terminated pursuant to this subsection and shall include the basis for the automatic termination.  If there are additional minors covered by the child support order, the non-custodial parent shall petition the court for a modification in the total support payment. When child support is terminated due to the child turning eighteen years of age, graduating from high school, or reaching the end of the school year when the child is nineteen, no arrearage may be incurred as to that child after the date of the child’s eighteenth birthday, the date of the child’s graduation from high school, or the last day of the school year when the child is nineteen, whichever date terminated the child support obligation.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 28; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Cleary

Coleman Courson Davis

Fair Gregory Knotts

Leatherman Leventis *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Rose Ryberg

Setzler Shoopman Thomas

Williams

**Total--28**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**PREVIOUSLY PROPOSED AMENDMENT WITHDRAWN**

**AMENDED, READ THE SECOND TIME**

H. 3934 -- Reps. Bingham, Lowe, Atwater, Huggins, Bales, Pinson, Toole, Barfield, Clemmons, Norman, Owens, Lucas, Delleney, Loftis, Corbin, Simrill, Hixon, Taylor, D.C. Moss, J.R. Smith, Limehouse, Sottile, Bikas, Hiott, Parker, Allison, Long, Erickson, Patrick, Herbkersman, Merrill, Cole, Sellers, Ott, Hardwick, Hearn, Tallon, Stringer, Ryan, White, Pope, Henderson, Nanney, Sandifer, V.S. Moss, Horne, Neilson, Edge, Crawford, Viers, Quinn, Tribble, Willis, Parks, King, Ballentine, Bannister, Butler Garrick, J.E. Smith, Brannon, Bowen and Mitchell: A BILL TO AMEND SECTION 12‑43‑224, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ASSESSMENT OF UNDEVELOPED ACREAGE SUBDIVIDED INTO LOTS, SO AS TO PROVIDE THAT THE DISCOUNT APPLIES TO A DEVELOPER THAT HAS FIVE LOTS INSTEAD OF TEN LOTS, AND TO PROVIDE THAT IF APPLICATION FOR THE DISCOUNTED RATE COMES AFTER MAY FIRST BUT BEFORE JUNE FIRST, THE OWNER SHALL RECEIVE THE DISCOUNTED RATE BUT THE DISCOUNT SHALL BE REDUCED; AND TO AMEND SECTION 12‑43‑225, AS AMENDED, RELATING TO MULTIPLE LOT DISCOUNTS, SO AS TO PROVIDE THAT THE DISCOUNT APPLIES TO A DEVELOPER THAT HAS FIVE LOTS INSTEAD OF TEN LOTS, TO PROVIDE THAT IF APPLICATION FOR THE DISCOUNTED RATES COMES AT A CERTAIN TIME AFTER MAY FIRST, THE ASSESSOR STILL SHALL GRANT THE DISCOUNT IF ALL OTHER REQUIREMENTS ARE MET, TO PROVIDE THAT APPLICATION FOR THE DISCOUNTED RATE ONLY MUST BE MADE IN THE FIRST YEAR, AND TO TOLL TIME LIMITATIONS FOR CERTAIN PROPERTY.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the previously proposed amendment, as follows:

Senator GROOMS proposed the following amendment (3934R001.LKG), which was withdrawn:

Amend the bill, as and if amended, by striking item (8) of Section 12-43-220(c) found in SECTION 3 B and inserting:

/ “(8)(a) For ownership interests in residential property created by deed if the interest in the property has not already transferred by operation of law, when the individual claiming the special four percent assessment ratio allowed by this item has an ownership interest in the residence that is less than fifty percent ownership in fee simple, then the value of the residence allowed the special four percent assessment ratio is a percentage of that value equal to the individual’s ownership interest in the residence, but not less than the amount provided pursuant to subitem (4) of this item. This subitem (8) does not apply in the case of a residence otherwise eligible for the special four percent assessment ratio when occupied jointly by a married couple or which remains occupied by a spouse legally separated from a spouse who has abandoned the residence. If the special four percent assessment ratio allowed by this item applies to only a fraction of the value of residence, then the exemption allowed pursuant to Section 12‑37‑220(B)(47) applies only to value attributable to the taxpayer’s ownership interest.

(b) Notwithstanding item (a), for ownership interests in residential property created by deed if the interest in the property has not already transferred by operation of law, an occupant may claim the full special four percent assessment ratio allowed by this item if the occupant shares an ownership interest in the residence with immediate family members and the occupant does not claim the four percent assessment ratio on another property.” /

Renumber sections to conform.

Amend title to conform.

Senator HAYES asked unanimous consent to withdraw the previously proposed amendment.

There was no objection and the amendment was withdrawn.

Senator GROOMS proposed the following amendment (NBD\  
12432DG12), which was adopted:

Amend the bill, as and if amended, by striking item (8) of Section 12‑43‑220(c) found in SECTION 3 B and inserting:

/ “(8)(i) For ownership interests in residential property created by deed if the interest in the property has not already transferred by operation of law, when the individual claiming the special four percent assessment ratio allowed by this item has an ownership interest in the residence that is less than fifty percent ownership in fee simple, then the value of the residence allowed the special four percent assessment ratio is a percentage of that value equal to the individual’s ownership interest in the residence, but not less than the amount provided pursuant to subitem (4) of this item. This subitem (8) does not apply in the case of a residence otherwise eligible for the special four percent assessment ratio when occupied jointly by a married couple or which remains occupied by a spouse legally separated from a spouse who has abandoned the residence. If the special four percent assessment ratio allowed by this item applies to only a fraction of the value of residence, then the exemption allowed pursuant to Section 12‑37‑220(B)(47) applies only to value attributable to the taxpayer’s ownership interest.

(ii) Notwithstanding subitem (i), for ownership interests in residential property created by deed if the interest in the property has not already transferred by operation of law, an applicant may qualify for the four percent assessment ratio on the entire value of the property if the applicant:

(A) owns at least a twenty‑five percent interest in the subject property with immediate family members;

(B) is not a member of a household currently receiving the four percent assessment ratio on another property; and

(C) otherwise qualifies for the four percent assessment ratio.

For purposes of this subitem ‘immediate family member’ means a parent, child, or sibling.” /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 35; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Gregory Hayes Jackson

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Rose Ryberg

Scott Setzler Shoopman

Thomas Williams

**Total--35**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3676 -- Reps. J.E. Smith, Clemmons, Dillard, Herbkersman, Limehouse, Mitchell and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 23 TO TITLE 31 SO AS TO ENACT THE “SOUTH CAROLINA COMMUNITY LAND TRUST ACT OF 2011”, TO DEFINE TERMS, MAKE FINDINGS, TO PROVIDE THAT THE PURPOSE OF A COMMUNITY LAND TRUST IS TO HOLD LEGAL AND EQUITABLE TITLE TO LAND TO THEN LEASE THE LAND TO PROMOTE AFFORDABILITY, TO PROVIDE THE MANNER IN WHICH COMMUNITY LAND TRUSTS ARE FUNDED, AND TO PROVIDE THE PROCESS BY WHICH COMMUNITY LAND TRUSTS OPERATE.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

The Committee on Judiciary proposed the following amendment (JUD3676.001), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 5, in Section 31-23-20(2), as contained in SECTION 1, and inserting therein the following:

/ (2) ‘Board of directors’ means the governing body of a community land trust /

Amend the bill further, as and if amended, page 3, by striking line 18, in Section 31-23-20, as contained in SECTION 1, and inserting therein the following:

/ board of directors are directly elected by the membership as /

Amend the bill further, as and if amended, page 4, by striking line 3, in Section 31-23-30(3), as contained in SECTION 1, and inserting therein the following:

/ school, and helps our economic growth and prosperity. /

Amend the bill further, as and if amended, page 5, by striking line 40, in Section 31-23-40(D)(5), as contained in SECTION 1, and inserting therein the following:

/ lease between the landowner or CLT and the lessee. The landowner or CLT and the lessee /

Amend the bill further, as and if amended, page 6, by striking line 31, in Section 31-23-40(E)(3), as contained in SECTION 1, and inserting therein the following:

/ option for renewal or to terminate the ground lease. In addition, if applicable, the lease agreement must specify if membership in a homeowners association is required, and a statement of amounts to be paid by the lessee for membership in the homeowners association, the date payment is due, and the place of payment. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 29; Nays 2**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Courson

Cromer Davis Fair

Gregory Hayes Knotts

Leatherman Leventis Lourie

*Martin, Larry Martin, Shane* Massey

McGill Nicholson O'Dell

Peeler Rose Ryberg

Scott Setzler Shoopman

Thomas Williams

**Total--29**

**NAYS**

Bright Bryant

**Total--2**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

H. 3757 -- Reps. Hardwick, Hearn, Mitchell, Long, Erickson, Brady, Butler Garrick, Funderburk, Munnerlyn, Knight, Dillard, Cobb‑Hunter, Parks, Huggins, Allison, Tallon, Brannon, Atwater, Whipper, Patrick and J.R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 19 TO CHAPTER 3, TITLE 16 SO AS TO DEFINE NECESSARY TERMS, PROVIDE FOR CERTAIN HUMAN TRAFFICKING OFFENSES AND PROVIDE PENALTIES, TO PROVIDE FOR CRIMINAL LIABILITY OF BUSINESS ENTITIES, TO PROVIDE RESTITUTION FOR VICTIMS OF HUMAN TRAFFICKING OFFENSES, TO ESTABLISH AN INTERAGENCY TASK FORCE TO DEVELOP AND IMPLEMENT A PLAN FOR THE PREVENTION OF TRAFFICKING IN PERSONS, TO REQUIRE THE COLLECTION AND DISSEMINATION OF DATA RELATED TO HUMAN TRAFFICKING BY THE STATE LAW ENFORCEMENT DIVISION (SLED), TO REQUIRE MANDATORY LAW ENFORCEMENT TRAINING ON HUMAN TRAFFICKING OFFENSES, TO PROVIDE FOR THE CREATION OF PUBLIC AWARENESS PROGRAMS REGARDING HUMAN TRAFFICKING IN THE STATE, TO ALLOW CIVIL ACTIONS BY VICTIMS OF HUMAN TRAFFICKING, TO PROVIDE THAT CERTAIN STANDARDS OF WORKING CONDITIONS APPLY WITHOUT REGARD TO IMMIGRATION STATUS, TO PROVIDE CERTAIN PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING PURSUANT TO THE VICTIMS’ BILL OF RIGHTS AND OTHER RELEVANT STATUTORY PROVISIONS, TO REQUIRE THE STATE TO DEVELOP PLANS FOR HOUSING AND COUNSELING, AMONG OTHER THINGS, OF VICTIMS OF HUMAN TRAFFICKING WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THE ACT, TO PROVIDE FOR CERTAIN RIGHTS OF MINOR VICTIMS OF HUMAN TRAFFICKING, TO ESTABLISH HUMAN TRAFFICKING VICTIM‑CASEWORKER PRIVILEGE, AND TO CREATE THE OFFENSE OF MALICIOUSLY OR WITH CRIMINAL NEGLIGENCE PUBLISHING, DISSEMINATING, OR OTHERWISE DISCLOSING THE LOCATION OF A HUMAN TRAFFICKING VICTIM, A TRAFFICKING SHELTER, OR A DOMESTIC VIOLENCE SHELTER AND TO PROVIDE A PENALTY; AND TO REPEAL SECTION 16‑3‑930 RELATING TO TRAFFICKING IN PERSONS FOR FORCED LABOR OR SERVICES.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

Senator MASSEY proposed the following amendment (JUD3757.002), which was adopted:

Amend the COMMITTEE REPORT, as and if amended, by striking all, and inserting:

// Amend the bill, as and if amended, page 11, by striking line 37, and inserting:

/ imprisoned for not more than five years, or both.

Section 16-3-2090. (A)(1) The following are subject to forfeiture:

(a) all monies used, or intended for use, in violation of Section 16-3-2020;

(b) all property constituting the proceeds obtained directly or indirectly, for a violation of Section 16-3-2020;

(c) all property derived from the proceeds obtained, directly or indirectly, from any sale or exchange for pecuniary gain from a violation of Section 16-3-2020;

(d) all property used or intended for use, in any manner or part, to commit or facilitate the commission of a violation for pecuniary gain of Section 16-3-2020;

(e) all books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or which have been positioned for use, in violation of Section 16-3-2020;

(f) all conveyances including, but not limited to, trailers, aircraft, motor vehicles, and watergoing vessels, which are used or intended for use unlawfully to conceal or transport or facilitate a violation of Section 16-3-2020. No motor vehicle may be forfeited to the State under this item unless it is used, intended for use, or in any manner facilitates a violation of Section 16-3-2020;

(g) all property including, but not limited to, monies, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for any kind of services under Section 16‑3‑2020, and all proceeds including, but not limited to, monies, and real and personal property traceable to any exchange under Section 16‑3‑2020; and

(h) overseas assets of persons convicted of trafficking in persons also are subject to forfeiture to the extent they can be retrieved by the government.

(2) Any property subject to forfeiture may be seized by the investigating agency having authority upon warrant issued by any court having jurisdiction over the property. Seizure without process may be made if the:

(a) seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(b) property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal injunction or forfeiture proceeding based upon under Section 16-3-2020;

(c) the investigating agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(d) the investigating agency has probable cause to believe that the property was used or is intended to be used in violation of Section 16-3-2020.

(3) In the event of seizure, proceedings under this section regarding forfeiture and disposition must be instituted within a reasonable time.

(4) Any property taken or detained under this section is not subject to replevin but is considered to be in the custody of the investigating agency making the seizure subject only to the orders of the court having jurisdiction over the forfeiture proceedings. Property is forfeited and transferred to the government at the moment of illegal use. Seizure and forfeiture proceedings confirm the transfer.

(5) For the purposes of this section, whenever the seizure of property subject to seizure is accomplished as a result of a joint effort by more than one law enforcement agency, the law enforcement agency initiating the investigation is considered to be the agency making the seizure.

(6) Law enforcement agencies seizing property pursuant to this section shall take reasonable steps to maintain the property. Equipment and conveyances seized must be removed to an appropriate place for storage. Monies seized must be deposited in an interest bearing account pending final disposition by the court unless the seizing agency determines the monies to be of an evidential nature and provides for security in another manner.

(7) When property and monies of any value as defined in this article or anything else of any value is seized, the law enforcement agency making the seizure, within ten days or a reasonable period of time after the seizure, shall submit a report to the appropriate prosecution agency.

(a) The report must provide the following information with respect to the property seized:

(i) description;

(ii) circumstances of seizure;

(iii) present custodian and where the property is being stored or its location;

(iv) name of owner;

(v) name of lienholder; and

(vi) seizing agency.

(b) If the property is a conveyance, the report shall include the:

(i) make, model, serial number, and year of the conveyance;

(ii) person in whose name the conveyance is registered; and

(iii) name of any lienholders.

(c) In addition to the report, the law enforcement agency shall prepare for dissemination to the public upon request a report providing the following information:

(i) a description of the quantity and nature of the property and money seized;

(ii) the seizing agency;

(iii) the make, model, and year of a conveyance; and

(iv) the law enforcement agency responsible for the property or conveyance seized.

(d) Property or conveyances seized by a law enforcement agency or department may not be used by officers for personal purposes.

(B)(1) Forfeiture of property must be accomplished by petition of the Attorney General or his designee or the circuit solicitor or his designee to the court of common pleas for the jurisdiction where the items were seized. The petition must be submitted to the court within a reasonable time period following seizure and shall provide the facts upon which the seizure was made. The petition shall describe the property and include the names of all owners of record and lienholders of record. The petition shall identify any other persons known to the petitioner to have interests in the property. Petitions for the forfeiture of conveyances also shall include the make, model, and year of the conveyance, the person in whose name the conveyance is registered, and the person who holds the title to the conveyance. A copy of the petition must be sent to each law enforcement agency which has notified the petitioner of its involvement in effecting the seizure. Notice of hearing or rule to show cause must be directed to all persons with interests in the property listed in the petition, including law enforcement agencies which have notified the petitioner of their involvement in effecting the seizure. Owners of record and lienholders of record may be served by certified mail, to the last known address as appears in the records of the governmental agency which records the title or lien.

(2) The judge shall determine whether the property is subject to forfeiture and order the forfeiture confirmed. The Attorney General or his designee or the circuit solicitor or his designee has the burden of proof to establish by a preponderance of the evidence that the property is subject to forfeiture. If the judge finds a forfeiture, he shall then determine the lienholder’s interest as provided in this article. The judge shall determine whether any property must be returned to a law enforcement agency pursuant to this section.

(3) If there is a dispute as to the division of the proceeds of forfeited property among participating law enforcement agencies, this issue must be determined by the judge. The proceeds from a sale of property, conveyances, and equipment must be disposed of pursuant to this section.

(4) All property, conveyances, and equipment which will not be reduced to proceeds may be transferred to the law enforcement agency or agencies or to the prosecution agency. Upon agreement of the law enforcement agency or agencies and the prosecution agency, conveyances and equipment may be transferred to any other appropriate agency. Property transferred may not be used to supplant operating funds within the current or future budgets. If the property seized and forfeited is an aircraft or watercraft and is transferred to a state law enforcement agency or other state agency pursuant to the provisions of this subsection, its use and retainage by that agency is at the discretion and approval of the State Budget and Control Board.

(5) If a defendant or his attorney sends written notice to the petitioner or the seizing agency of his interest in the subject property, service may be made by mailing a copy of the petition to the address provided and service may not be made by publication. In addition, service by publication may not be used for a person incarcerated in a Department of Corrections facility, a county detention facility, or other facility where inmates are housed for the county where the seizing agency is located. The seizing agency shall check the appropriate institutions after receiving an affidavit of nonservice before attempting service by publication.

(6) Any forfeiture may be effected by consent order approved by the court without filing or serving pleadings or notices provided that all owners and other persons with interests in the property, including participating law enforcement agencies, entitled to notice under this section, except lienholders and agencies, consent to the forfeiture. Disposition of the property may be accomplished by consent of the petitioner and those agencies involved. Persons entitled to notice under this section may consent to some issues and have the judge determine the remaining issues.

(7) Disposition of forfeited property under this section must be accomplished as follows:

(a) Property forfeited under this subsection shall first be applied to payment to the victim. The return of the victim to his home country or other absence of the victim from the jurisdiction shall not prevent the victim from receiving compensation.

(b) The victim and the South Carolina Victims’ Compensation Fund shall each receive one‑fourth, and law enforcement shall receive one‑half of the value of the forfeited property.

(c) If no victim is named, or reasonable attempts to locate a named victim for forfeiture and forfeiture fails, then all funds shall revert to the South Carolina Victims’ Compensation Fund and law enforcement to be divided equally.

(d) If federal law enforcement becomes involved in the investigation, they shall equitably split the share local law enforcement receives under this section, if they request or pursue any of the forfeiture. The equitable split must be pursuant to 21 U.S.C. Section 881(e)(1)(A) and (e)(3), 18 U.S.C. Section 981(e)(2), and 19 U.S.C. Section 1616a.

(C)(1) An innocent owner, manager, or owner of a licensed rental agency or any common carrier or carrier of goods for hire may apply to the court of common pleas for the return of any item seized. Notice of hearing or rule to show cause accompanied by copy of the application must be directed to all persons and agencies entitled to notice. If the judge denies the application, the hearing may proceed as a forfeiture hearing.

(2) The court may return any seized item to the owner if the owner demonstrates to the court by a preponderance of the evidence:

(a) in the case of an innocent owner, that the person or entity was not a consenting party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture; or

(b) in the case of a manager or an owner of a licensed rental agency, a common carrier, or a carrier of goods for hire, that any agent, servant, or employee of the rental agency or of the common carrier or carrier of goods for hire was not a party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture.

If the licensed rental agency demonstrates to the court that it has rented the seized property in the ordinary course of its business and that the tenant or tenants were not related within the third degree of kinship to the manager or owner, or any agents, servants, or employees of the rental agency, then it is presumed that the licensed rental agency was not a party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture.

(3) The lien of an innocent person or other legal entity, recorded in public records, shall continue in force upon transfer of title of any forfeited item, and any transfer of title is subject to the lien, if the lienholder demonstrates to the court by a preponderance of the evidence that he was not a consenting party to, or privy to, or did not have knowledge of, the involvement of the property which made it subject to seizure and forfeiture.

(D) A person who uses property or a conveyance in a manner which would make the property or conveyance subject to forfeiture except for innocent owners, rental agencies, lienholders, and the like as provided for in this section, is guilty of a misdemeanor and, upon conviction, must be imprisoned for not less than thirty days nor more than one year, fined not more than five thousand dollars, or both. The penalties prescribed in this section are cumulative and must be construed to be in addition to any other penalty prescribed by another provision of this article.” / //

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the perfecting amendment.

The amendment was adopted.

The Judiciary Committee proposed the following amendment (JUD3757.001), which was adopted:

Amend the bill, as and if amended, page 11, by striking line 37, and inserting:

/ imprisoned for not more than five years, or both.

Section 16-3-2090. (A) All offenses pursuant to this article qualify as offenses subject to forfeiture and are subject to the provisions as provided by law.

(1) The following are subject to forfeiture:

(a) all monies used, or intended for use, in violation of this article;

(b) all property constituting the proceeds obtained directly or indirectly, for a violation of this article;

(c) all property derived from the proceeds obtained, directly or indirectly, from any sale or exchange for pecuniary gain from a violation of this article;

(d) all property used or intended for use, in any manner or part, to commit or facilitate the commission of a violation for pecuniary gain of this article;

(e) all books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or which have been positioned for use, in violation of this article;

(f) all conveyances including, but not limited to, trailers, aircraft, motor vehicles, and watergoing vessels, which are used or intended for use unlawfully to conceal or transport or facilitate a violation of this section. No motor vehicle may be forfeited to the State under this item unless it is used, intended for use, or in any manner facilitates a violation of this article;

(g) all property including, but not limited to, monies, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for any kind of services under this article, and all proceeds including, but not limited to, monies, and real and personal property traceable to any exchange; and

(h) overseas assets of persons convicted of trafficking in persons also are subject to forfeiture to the extent they can be retrieved by the government.

(2) Any property subject to forfeiture under this article may be seized by the investigating agency having authority upon warrant issued by any court having jurisdiction over the property. Seizure without process may be made if the:

(a) seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(b) property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal injunction or forfeiture proceeding based upon this article;

(c) the investigating agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(d) the investigating agency has probable cause to believe that the property was used or is intended to be used in violation of this article.

(3) In the event of seizure, proceedings under this article regarding forfeiture and disposition must be instituted within a reasonable time.

(4) Any property taken or detained under this section is not subject to replevin but is considered to be in the custody of the investigating agency making the seizure subject only to the orders of the court having jurisdiction over the forfeiture proceedings. Property is forfeited and transferred to the government at the moment of illegal use. Seizure and forfeiture proceedings confirm the transfer.

(5) For the purposes of this article, whenever the seizure of property subject to seizure is accomplished as a result of a joint effort by more than one law enforcement agency, the law enforcement agency initiating the investigation is considered to be the agency making the seizure.

(6) Law enforcement agencies seizing property pursuant to this article shall take reasonable steps to maintain the property. Equipment and conveyances seized must be removed to an appropriate place for storage. Monies seized must be deposited in an interest bearing account pending final disposition by the court unless the seizing agency determines the monies to be of an evidential nature and provides for security in another manner.

(7) When property and monies of any value as defined in this article or anything else of any value is seized, the law enforcement agency making the seizure, within ten days or a reasonable period of time after the seizure, shall submit a report to the appropriate prosecution agency.

(a) The report must provide the following information with respect to the property seized:

(i) description;

(ii) circumstances of seizure;

(iii) present custodian and where the property is being stored or its location;

(iv) name of owner;

(v) name of lienholder; and

(vi) seizing agency.

(b) If the property is a conveyance, the report shall include the:

(i) make, model, serial number, and year of the conveyance;

(ii) person in whose name the conveyance is registered; and

(iii) name of any lienholders.

(c) In addition to the report, the law enforcement agency shall prepare for dissemination to the public upon request a report providing the following information:

(i) a description of the quantity and nature of the property and money seized;

(ii) the seizing agency;

(iii) the make, model, and year of a conveyance; and

(iv) the law enforcement agency responsible for the property or conveyance seized.

(d) Property or conveyances seized by a law enforcement agency or department may not be used by officers for personal purposes.

(B)(1) Forfeiture of property must be accomplished by petition of the Attorney General or his designee or the circuit solicitor or his designee to the court of common pleas for the jurisdiction where the items were seized. The petition must be submitted to the court within a reasonable time period following seizure and shall provide the facts upon which the seizure was made. The petition shall describe the property and include the names of all owners of record and lienholders of record. The petition shall identify any other persons known to the petitioner to have interests in the property. Petitions for the forfeiture of conveyances also shall include the make, model, and year of the conveyance, the person in whose name the conveyance is registered, and the person who holds the title to the conveyance. The petition shall provide the type and quantity of the controlled substance involved. A copy of the petition must be sent to each law enforcement agency which has notified the petitioner of its involvement in effecting the seizure. Notice of hearing or rule to show cause must be directed to all persons with interests in the property listed in the petition, including law enforcement agencies which have notified the petitioner of their involvement in effecting the seizure. Owners of record and lienholders of record may be served by certified mail, to the last known address as appears in the records of the governmental agency which records the title or lien.

(2) The judge shall determine whether the property is subject to forfeiture and order the forfeiture confirmed. The Attorney General or his designee or the circuit solicitor or his designee has the burden of proof to establish by a preponderance of the evidence that the property is subject to forfeiture. If the judge finds a forfeiture, he shall then determine the lienholder’s interest as provided in this article. The judge shall determine whether any property must be returned to a law enforcement agency pursuant to this section.

(3) If there is a dispute as to the division of the proceeds of forfeited property among participating law enforcement agencies, this issue must be determined by the judge. The proceeds from a sale of property, conveyances, and equipment must be disposed of pursuant to this section.

(4) All property, conveyances, and equipment which will not be reduced to proceeds may be transferred to the law enforcement agency or agencies or to the prosecution agency. Upon agreement of the law enforcement agency or agencies and the prosecution agency, conveyances and equipment may be transferred to any other appropriate agency. Property transferred may not be used to supplant operating funds within the current or future budgets. If the property seized and forfeited is an aircraft or watercraft and is transferred to a state law enforcement agency or other state agency pursuant to the provisions of this subsection, its use and retainage by that agency is at the discretion and approval of the State Budget and Control Board.

(5) If a defendant or his attorney sends written notice to the petitioner or the seizing agency of his interest in the subject property, service may be made by mailing a copy of the petition to the address provided and service may not be made by publication. In addition, service by publication may not be used for a person incarcerated in a Department of Corrections facility, a county detention facility, or other facility where inmates are housed for the county where the seizing agency is located. The seizing agency shall check the appropriate institutions after receiving an affidavit of nonservice before attempting service by publication.

(6) Any forfeiture may be effected by consent order approved by the court without filing or serving pleadings or notices provided that all owners and other persons with interests in the property, including participating law enforcement agencies, entitled to notice under this section, except lienholders and agencies, consent to the forfeiture. Disposition of the property may be accomplished by consent of the petitioner and those agencies involved. Persons entitled to notice under this section may consent to some issues and have the judge determine the remaining issues.

(7) Disposition of forfeited property under this section must be accomplished as follows:

(a) Property forfeited under this subsection shall first be applied to payment to the victim. The return of the victim to his home country or other absence of the victim from the jurisdiction shall not prevent the victim from receiving compensation.

(b) The victim and the South Carolina Victims’ Compensation Fund shall each receive one‑fourth, and law enforcement shall receive one‑half of the value of the forfeited property.

(c) If no victim is named, or reasonable attempts to locate a named victim for forfeiture and forfeiture fails, then all funds shall revert to the South Carolina Victims’ Compensation Fund and law enforcement to be divided equally.

(d) If federal law enforcement becomes involved in the investigation, they shall equitably split the share local law enforcement receives under this article, if they request or pursue any of the forfeiture. The equitable split must be pursuant to 21 U.S.C. Section 881(e)(1)(A) and (e)(3), 18 U.S.C. Section 981(e)(2), and 19 U.S.C. Section 1616a.

(C)(1) An innocent owner, manager, or owner of a licensed rental agency or any common carrier or carrier of goods for hire may apply to the court of common pleas for the return of any item seized. Notice of hearing or rule to show cause accompanied by copy of the application must be directed to all persons and agencies entitled to notice. If the judge denies the application, the hearing may proceed as a forfeiture hearing.

(2) The court may return any seized item to the owner if the owner demonstrates to the court by a preponderance of the evidence:

(a) in the case of an innocent owner, that the person or entity was not a consenting party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture; or

(b) in the case of a manager or an owner of a licensed rental agency, a common carrier, or a carrier of goods for hire, that any agent, servant, or employee of the rental agency or of the common carrier or carrier of goods for hire was not a party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture.

If the licensed rental agency demonstrates to the court that it has rented the seized property in the ordinary course of its business and that the tenant or tenants were not related within the third degree of kinship to the manager or owner, or any agents, servants, or employees of the rental agency, then it is presumed that the licensed rental agency was not a party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture.

(3) The lien of an innocent person or other legal entity, recorded in public records, shall continue in force upon transfer of title of any forfeited item, and any transfer of title is subject to the lien, if the lienholder demonstrates to the court by a preponderance of the evidence that he was not a consenting party to, or privy to, or did not have knowledge of, the involvement of the property which made it subject to seizure and forfeiture.

(D) A person who uses property or a conveyance in a manner which would make the property or conveyance subject to forfeiture except for innocent owners, rental agencies, lienholders, and the like as provided for in this article, is guilty of a misdemeanor and, upon conviction, must be imprisoned for not less than thirty days nor more than one year, fined not more than five thousand dollars, or both. The penalties prescribed in this section are cumulative and must be construed to be in addition to any other penalty prescribed by another provision of this article.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted, as perfected.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 34; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Fair Gregory

Hayes Jackson Knotts

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Rose Ryberg Scott

Setzler Shoopman Thomas

Williams

**Total--34**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

H. 5029 -- Reps. Thayer, Owens, Simrill, Brantley, Murphy, Gambrell, McCoy, Stavrinakis, Brannon, J.M. Neal, Agnew, Atwater, Daning, Long, Putnam, Erickson, Herbkersman, Patrick, Stringer, Ryan, Hamilton, Bedingfield, Anderson, Forrester, Sellers, Brady, Bowen, G.A. Brown, Clemmons and Toole: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑15‑315 SO AS TO PROVIDE FOR OFF‑SITE DISPLAYS OF AUTOMOBILES AND CERTAIN TRUCKS UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS PROVISION.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 33; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Gregory Hayes Jackson

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Rose Ryberg Scott

Setzler Shoopman Williams

**Total--33**

**NAYS**

Thomas

**Total--1**

The Bill was read the second time and ordered placed on the Third Reading Calendar.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 390 -- Senators Lourie, Jackson, Reese, Knotts, Alexander, Matthews, Campsen, McConnell, Cleary, Cromer, Rose and Ford: A BILL TO AMEND SECTION 23‑3‑115, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO CLARIFY THE DEFINITION OF CHARITABLE ORGANIZATIONS WHICH PAY A REDUCED FEE TO INCLUDE LOCAL PARK AND RECREATION VOLUNTEERS THROUGH A COMMISSION, MUNICIPALITY, OR COUNTY.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

The Judiciary Committee proposed the following amendment (JUD0390.001), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words, and inserting:

/ SECTION 1. Section 23‑3‑115(B) of the 1976 Code is amended to read:

“(B) The fee allowed in subsection (A) is fixed at eight dollars if the criminal record search is conducted for a charitable organization, a bona fide mentor, or for the use of a charitable organization. An organization that is authorized to receive the reduced fee shall not charge the volunteer, mentor, member, or employee more than eight dollars or any additional fee that is not required by the State Law Enforcement Division. All criminal record searches conducted pursuant to this subsection must be for a volunteer, mentor, member, or employee performing in an official capacity of the organization and must not be resold. The division shall develop forms on which a mentor or charitable organization shall certify that the criminal record search is conducted for the use and benefit of the charitable organization or mentor. For purposes of this subsection, the phrase ‘charitable organization’ means:

(1) an organization which has been determined to be exempt from taxation under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended;

(2) a bona fide church, including an institution such as a synagogue or mosque;

(3) an organization which has filed a statement of registration or exemption under the Solicitation of Charitable Funds Act, Chapter 56, Title 33; or

(4) local parks and recreation volunteers through a commission ~~volunteers~~, municipality, or county. ”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 33; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Gregory Hayes Jackson

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McGill

Nicholson O'Dell Peeler

Rose Ryberg Setzler

Shoopman Thomas Williams

**Total--33**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**AMENDED, READ THE SECOND TIME**

H. 3710 -- Reps. J.E. Smith, Hayes, D.C. Moss and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑1‑77 SO AS TO PROVIDE A BOARD OR COMMISSION THAT REGULATES THE LICENSURE OF A PROFESSION OR OCCUPATION UNDER TITLE 40 MAY ISSUE A TEMPORARY LICENSE FOR A PROFESSION OR OCCUPATION IT REGULATES TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES IN CERTAIN CIRCUMSTANCES, TO PROVIDE REQUIREMENTS FOR OBTAINING THIS LICENSE, AND TO PROVIDE TIME LIMITS ON THE VALIDITY OF THIS LICENSE.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senators RYBERG and LEVENTIS proposed the following amendment (3710R001.WGR), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting language and inserting:

/ SECTION 1. Article 1, Chapter 1, Title 40 of the 1976 Code is amended by adding:

“Section 40‑1‑77. (A) A board or commission that regulates the licensure of a profession or occupation under Title 40 may issue a temporary professional license, notwithstanding any language to the contrary in the board or commission’s licensing act, for a profession or occupation it regulates, to the spouse of an active duty member of the United States Armed Forces if the member is assigned to a duty station in this State pursuant to the official active duty military orders of the member.

(B)(1) A person seeking a temporary professional license under subsection (A) shall submit an application to the board or commission from which it is seeking the temporary license on forms the board or commission shall create and provide. In addition to general personal information about the applicant, the application must include proof that:

(a) the applicant is married to a member of the United States Armed Forces who is on active duty;

(b) the applicant holds a valid license in good standing issued by another state, the District of Columbia, a possession or territory of the United States, or a foreign jurisdiction for the profession for which temporary licensure is sought; and

(c) the spouse of the applicant is assigned to a duty station in this State pursuant to the official active duty military orders of the member.

(2) If a board or commission’s licensing act to which the application for a temporary licensure is made requires a fingerprint‑base background check, the applicant must submit the results of a recent fingerprint‑based background check, taken at the applicant’s expense.

(3) The board or commission may charge a fee for the processing of this application as provided by regulation.

(4) Persons licensed pursuant to this section must comply with the continuing education requirements as otherwise set forth by statute.

(C) A temporary license issued under this section expires one year from the date of issue and may be renewed by the board or commission.”

SECTION 2. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator RYBERG explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 33; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Fair Gregory

Hayes Jackson Knotts

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McGill Nicholson

O'Dell Peeler Rose

Ryberg Scott Setzler

Shoopman Thomas Williams

**Total--33**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**AMENDED, AMENDMENT PROPOSED**

**CARRIED OVER**

S. 1267 -- Senators Hayes, Matthews, Courson, Setzler, Jackson, Hutto, Knotts and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 62 TO TITLE 59 SO AS TO ESTABLISH A SCHOOL DISTRICT CHOICE PROGRAM AND OPEN ENROLLMENT PROGRAM WITHIN THE PUBLIC SCHOOL SYSTEM OF THIS STATE, TO PROVIDE FOR A VOLUNTARY PILOT TESTING OF THE PROGRAM BEFORE FULL IMPLEMENTATION, TO DEFINE CERTAIN TERMS, TO PROVIDE FOR AN APPLICATION PROCESS FOR STUDENTS WISHING TO TRANSFER, TO PROVIDE RESPONSIBILITIES OF AND STANDARDS AND CRITERIA FOR SENDING AND RECEIVING SCHOOLS AND SCHOOL DISTRICTS, TO PROVIDE STANDARDS OF APPROVAL, PRIORITIES FOR ACCEPTING STUDENTS, AND CRITERIA FOR DENYING STUDENTS, TO PROVIDE THAT WITH CERTAIN EXCEPTIONS THE PARENT IS RESPONSIBLE FOR TRANSPORTING THE STUDENT TO SCHOOL, TO PROVIDE THAT DISTRICTS SHALL RECEIVE ONE HUNDRED PERCENT OF THE BASE STUDENT COST FROM THE STATE FOR NONRESIDENT STUDENTS ENROLLED PURSUANT TO THIS CHAPTER, TO PROVIDE THAT A STUDENT WITH EXCEPTIONS MAY NOT PARTICIPATE IN INTERSCHOLASTIC ATHLETIC CONTESTS AND COMPETITIONS FOR ONE YEAR AFTER HIS DATE OF ENROLLMENT, TO PROVIDE THAT A RECEIVING DISTRICT SHALL ACCEPT CERTAIN CREDITS TOWARD A STUDENT’S REQUIREMENTS FOR GRADUATION, TO PROVIDE THAT A SCHOOL DISTRICT MAY CONTRACT WITH CERTAIN ENTITIES FOR THE PROVISION OF SERVICES, TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE CERTAIN REPORTS ON THE PROGRAM TO THE GENERAL ASSEMBLY, AND TO PROVIDE THAT IMPLEMENTATION OF THIS PROGRAM EACH FISCAL YEAR IS CONTINGENT UPON THE APPROPRIATION OF ADEQUATE FUNDING BY THE GENERAL ASSEMBLY.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

**Motion Under Rule 26B**

Senator LOURIE asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

Senator LOURIE proposed the following amendment (NBD\  
12399DG12), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-62-30(F) as contained on page 4, lines 5 - 18, and inserting:

/ (F)(1) Subject to item (2), during the 2012‑2013 school year, each school district of the State shall convene a School Choice Committee. The committee shall include, but not be limited to, members representing parents, community and business leaders, teachers, and students. The committee membership shall represent the ethnicity and geographic diversity of the district. With information obtained from the statewide survey, the School Choice Committee shall develop an action plan incorporated in the school renewal plan for providing parents and students choice options within the district and shall include a timeline and budget proposal for implementation of the identified options. Each district shall submit their plan to the department for review, and if necessary the department shall provide recommendations.

(2) The requirements of item (1) do not apply to a school district that had a school choice plan in place during the 2011-2012 school year that provided parents and students choice options within the district. A school district exempt from the provisions of item (1) must submit information to the department detailing the school choice plan in place during the 2011-2012 school year. /

Renumber sections to conform.

Amend title to conform.

Senator LOURIE explained the amendment.

The amendment was adopted.

Senators FAIR and HAYES proposed the following amendment (DKA\4118SD12):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 62

South Carolina Public School Choice Programs

Section 59‑62‑10. (A) There is established a School District Choice Program and an Open Enrollment Program within the public school system of this State.

(B) In establishing these programs, it is the objective of the General Assembly to make the South Carolina public school system the most choice‑driven public school system in the nation by increasing student participation in, and student access to, public school educational opportunities both within and outside of their resident school district, regardless of where they may live or their socioeconomic status. It is therefore the intent of the General Assembly that this chapter be construed broadly to maximize parental choice options and student access to public school educational opportunities that are now not available to their children.

Section 59‑62‑20. As used in this chapter:

(1) ‘School District Choice Programs’ means a public education delivery system that requires school districts to provide for student programs of choice offered within the district, which may include, but not be limited to, public charter schools, virtual school programs, extended day or school year programs, flexible school scheduling programs, Montessori programs, single‑gender programs, learning team programs, magnet school programs, arts programs, and school‑within‑a‑school programs and to provide for school assignments to these programs using parents’ indicated preferential choice as a significant factor for assigning students within the district.

(2) ‘Open Enrollment’ means a public education delivery system that requires school districts to allow for school assignments of students outside of the students’ district of residence using parents’ indicated preferential choice as a significant factor.

(3) ‘Attendance zone’ means the geographic area used to determine a particular school assignment for students in the district of residence.

(4) ‘Capacity’ as established by the local board of trustees means individual school capacities to include any district projections per school for the school year impacted by a transfer pursuant to this chapter. However, when defining capacity, only permanent building structures may be included in the calculation of capacity and must not include transfers permitted by federal law.

(5) ‘District of residence’ means a school district in which the parent or guardian of a student resides.

(6) ‘Feeder pattern’ means the schools to which students are assigned upon the completion of the highest grade level of their previous school.

(7) ‘Good cause’ means a change in a child’s residence due to a change in parent’s or guardian’s residence, a change in a child’s parent’s marital status, a change caused by a guardianship or custody proceeding, placement of a child in foster care, adoption, participation by a child in an approved foreign exchange program, or participation by a child in a substance abuse or mental health treatment program, revocation of a charter school contract, or a set of circumstances consistent with this definition of ‘good cause’.

(8) ‘Parent’ means the parent or legal guardian of a student of the State.

(9) ‘Receiving district’ means a school district other than the district of residence in which a student seeks to enroll. Where the district of residence includes more than one school providing instruction at a given grade level, and a parent of a child entering the grade level applies to enroll his child in a public school in the district of residence other than the program in which the child would normally be assigned to attend based on the child’s place of residence, the district of residence also must be considered to be the receiving district for purposes of this chapter.

(10) ‘Siblings’ mean all children residing in the same household on a permanent basis who have the same mother or father or guardian.

(11) ‘Working days’ means working days as determined by a school district’s administrative calendar.

(12) ‘Department’ means the South Carolina Department of Education.

Section 59‑62‑30. (A) The department shall provide school districts with information on various school choice programs, best practice information, staff development, assistance in planning for transportation needs, and technical assistance for developing and implementing public school choice and open enrollment programs throughout the State.

(B) In conjunction with a series of town meetings held throughout the State, the department shall conduct a statewide inventory. The inventory shall be designed to determine the public’s knowledge and understanding of public school choice. Additionally, the inventory shall collect information on district growth projections, choice programs available in districts, and choice options parents would like to see implemented in their district of residence. With the information received from the statewide inventory, the department shall compile and disseminate the results to the school districts of the State and members of the General Assembly.

(C) In the 2012‑2013 school year, with funds appropriated by the General Assembly, the department shall establish a School District Choice and an Open Enrollment pilot program. Participation of districts shall be voluntary. The School District Choice pilot program shall be designed to pair districts currently offering multiple student choice options with districts where student choice options are limited or do not exist, for the purpose of offering guidance, technical assistance, and staff development. The Open Enrollment pilot program shall be designed to provide non‑tuition choice options for students between adjacent school districts. The department shall offer technical assistance to the pilot districts in developing and implementing Open Enrollment choice programs.

(D) Throughout the pilot year, the department shall provide information to all school districts regarding obstacles that have the potential of interfering with the implementation of quality school choice and open enrollment programs and shall make recommendations for overcoming and avoiding those obstacles. The information provided also shall include costs associated with the implementation of both pilot programs.

(E) The State Board of Education shall develop guidelines listing factors to be considered in determining school capacity. In developing these guidelines, a task force shall be established with membership to include, but not be limited to, school board members, superintendents, principals, parents, and business and community leaders. The membership of the task force shall reflect urban and rural areas of the State.

(F) During the 2012‑2013 school year, each school district of the State shall convene a School Choice Committee. The committee shall include, but not be limited to, members representing parents, community and business leaders, teachers, and students. The committee membership shall represent the ethnicity and geographic diversity of the district. With information obtained from the statewide survey, the School Choice Committee shall develop an action plan incorporated in the school renewal plan for providing parents and students choice options within the district and shall include a timeline and budget proposal for implementation of the identified options. Each district shall submit their plan to the department for review, and if necessary the department shall provide recommendations. Districts having plans currently in place also shall submit their plans.

Section 59‑62‑40. (A) Beginning in the 2013‑2014 school year and succeeding school years with innovation funds appropriated from the General Assembly, each school district of the State shall begin implementation of their school choice plans. At a minimum, each district shall begin by providing a choice option for students at the elementary, middle, and high school level. With approval from the department, districts may utilize technical assistance funds provided pursuant to Section 59‑18‑1590 to assist in the implementation of school choice plans.

(B) During the 2013‑2014 school year, the School Choice Committee, established pursuant to Section 59‑62‑30(F), and school district administration shall develop plans to implement an Open Enrollment choice program as outlined in this chapter. However, nothing in this chapter shall prohibit a school district from implementing the Open Enrollment choice program prior to the 2014‑2015 school year.

(C) Based on the findings obtained from the pilot programs established in Section 59‑62‑30(C) and the implementation of district choice programs, the department shall issue a report to the General Assembly by January 1, 2014. The report shall include, but not be limited to, districts participating in the pilot programs and number of students participating in new choice options, types of choice options being implemented in each school district, number of students participating in school district choice options, and recommended changes to this chapter to include the basis for such recommendations.

Section 59‑62‑50. (A) Beginning with the 2014‑2015 school year and each succeeding school year, a parent residing in this State may enroll his child in a public school in any school district without the requirement of payment of tuition in the manner provided in this chapter.

(B)(1) Each school district of the State shall participate in public school open enrollment consistent with this chapter.

(2) A parent of a school age child may apply to enroll his child in a school in a receiving district by submitting a written application, on a form provided to districts by the department, to the receiving district and to the district of residence postmarked not later than March first for enrollment during the following school year for grades kindergarten through twelve. The application should identify the reason for seeking enrollment in the receiving district. The parent shall request a particular school or program as part of the application. However, the assignment of the student must be determined by the receiving school district based on capacity.

(3) If a parent desires to transfer a child to a school within the parent and child’s district of residence but not within the child’s attendance area or zone, the parent shall make application therefore in the same manner provided in this chapter for interdistrict transfers, or shall use the manner in place in the school district in the previous school year.

(4) If a local school district superintendent or his designee, by the last day of March, notifies an applicant that their application for enrollment in a particular school has been denied due to a lack of capacity in that school, the school district superintendent or his designee in the denial notice also shall notify the applicant of any remaining schools in the district with the capacity to accept additional students seeking to enroll under this chapter. In this case, the applicant has an additional fifteen days from receipt of the notice to reapply seeking enrollment in one of these schools with capacity and the district superintendent or his designee within fifteen days after receipt of the new application must act thereon.

(C) If a parent of a school age child fails to file an application by the deadline, and good cause exists for the failure to meet the deadline, the receiving district and the district of residence may accept and consider the application in the same manner as if the deadline had been met.

(D) Upon agreement between the resident and the nonresident school districts, or between the affected schools within the resident district, the deadline for application may be waived.

(E) The parent or guardian of the student approved to enroll shall confirm in writing to the resident and nonresident school district by May fifteenth which school the student intends to enroll. Notice of intent to enroll in the nonresident district obligates the student to attend the nonresident district during the following school year, unless the resident and nonresident school districts agree in writing to allow the student to transfer back to the district of residence, or good cause can be substantiated.

Section 59‑62‑60. (A) Within ten working days of receiving an application, the receiving district shall notify the district of residence that it has received application. This notification must include the grade level and school the student previously attended in the district of residence.

(B) The district superintendent or his designee of the receiving district shall take action no later than the last day of March of the school year preceding enrollment to approve or deny an application for admission in grades kindergarten through twelve.

(C) The superintendent or his designee of the receiving district shall take action to approve or deny an application filed in accordance with Section 59‑62‑50(B) within forty‑five days of the receipt of the application.

(D) The superintendent or his designee of the receiving district shall notify the parent of the child and the superintendent of the district of residence in writing within five working days of the action taken. In the case of denial, a written explanation of the denial must be included in the notification.

Section 59‑62‑65. Students under this chapter, subject to capacity and the other requirements of this chapter, shall be permitted to transfer to a school outside their attendance area within their district or to a school outside their attendance area in another district. Where the provisions of this chapter refer to sending districts or receiving districts, or both, they shall be construed to mean sending schools or receiving schools as appropriate when the context requires.

Section 59‑62‑70. (A) In implementing the provisions of this chapter, a student who currently resides in the attendance zone of a school, or who qualifies to attend schools within the attendance zone pursuant to Section 59‑63‑30, must not be displaced by students transferring from outside the attendance zone.

(B) A school district is not required to:

(1) accept students at a particular school residing outside the school’s attendance area in excess of three percent of the school’s highest average daily membership in any year over the preceding ten‑year period. Accepting students residing outside of the attendance area for a particular school must be phased in at a yearly increase of one percent of the school’s previous year’s average daily membership. Enrolled students residing outside of the school’s attendance zone must continue to be counted in the receiving school’s acceptance percentage until the student is no longer enrolled in a receiving school;

(2) make alterations in the structure of a requested school;

(3) establish and offer a particular program in a school if the program is not currently offered in the requested school; or

(4) alter or waive an established eligibility criteria for participation in a particular program, including age requirements, course prerequisites, or required levels of performance.

(C)(1) The school board of trustees shall adopt specific policies regarding capacity standards, standards of approval, and priorities of acceptance. Standards of approval may include consideration of the capacity of a program, class, or grade level. Standards must not be based on ethnicity, national origin, income level, or disabling conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district, offenses committed that would result in expulsion, or suspensions from the previous school year that total ten days may be included. However, the school board may provide for provisional enrollment of students with prior behavior problems and may establish conditions under which enrollment of nonresident students would be permitted or continued. Standards may include an applicant’s gender, previous academic achievement, and athletic, artistic, or other extracurricular ability, only if enrollment in that program or school is based upon specific levels of performance uniformly applied to all seeking enrollment to that program or school.

(2) In the assignment of students, priority must be given as follows unless a district has a procedure in place and that procedure was implemented in the school year prior to implementation of this chapter:

(a) first, to students residing within the district including students currently enrolled in private schools and home schools, but who desire to attend a school outside their attendance zone;

(b) second, to returning students who continue to meet the requirements for the program or school;

(c) third, to students who meet the requirements for the program or school and who seek to attend the designated school in the district’s feeder pattern;

(d) fourth, to the siblings of students residing in the same household already enrolled in the school, provided that any siblings seeking priority under this section meet the requirements for the program or school; and

(e) fifth, to students whose parent or legal guardian is assigned to the school as his or her primary place of employment.

The policies must not have the purpose or effect of causing racial segregation in a school or the school district.

(D) A receiving school only may deny resident students living outside the attendance zone or nonresident students permission to enroll for the following reasons:

(1) there is a lack of capacity in the school or program requested;

(2) the school requested does not offer the appropriate programs or is not structured or equipped with the necessary facilities to meet special needs of a student;

(3) the student does not meet established eligibility criteria for participation in a particular program, including age requirements, course prerequisites, or required levels of performance;

(4) a voluntary or court‑ordered desegregation plan is in effect for the school district, and the denial is necessary in order to enable compliance with the desegregation plan; or

(5) the student was suspended for ten days or more the previous school year, is expelled, has committed offenses that would result in expulsion, or is in the process of being suspended or expelled.

(6) a student who qualifies to attend a school in a school district pursuant to Section 59‑63‑30, including the requirement that the student own real estate in the district that has an assessed value of three hundred dollars or more, may attend the schools within the attendance zone where the property is located without having to apply for enrollment to schools in that attendance zone pursuant to this chapter and the receiving school may not deny the student permission to enroll at the school.

A nonresident student may appeal a district’s decision to deny enrollment to the district’s board of trustees. A denial of a request by the board of a receiving district is final.

(E) A sending school district only may deny resident students a transfer to a receiving school when the transfer would violate a voluntary or court‑ordered desegregation plan in effect for that district. However, if the percentage of students seeking to transfer to receiving schools exceeds twenty percent of the sending district’s enrollment, the sending district must concur with any additional students transferring from the school to attend a receiving school. If a school within the sending district has transfer requests which exceed twenty percent of its enrollment resulting in the school being at least twenty percent below capacity, the State Board of Education shall appoint an external review team to study educational programs in the school, identify factors contributing to the transfer requests of students, and make recommendations to the district.

(F) A district may not take any action to prohibit or prevent application by resident students to attend school in a nonresident school district or to attend another school within the resident district.

(G) Each school district annually shall submit capacity figures for each of its schools to the department. Each district is responsible for annually posting school capacities on the district and school websites. Additionally, information regarding the current enrollment of the school and its percentage of capacity must be included. This information must be provided to the department and posted on the district and school websites by February fifteenth of each school year as it relates to capacity capabilities for the following school year.

Section 59‑62‑80. (A) A student approved for enrollment in a nonresident district school or program pursuant to this chapter is entitled to remain enrolled in that district until completion of the final grade within that school without being required to submit annual applications. Before completion of that final grade of the school, application for enrollment in the feeder school must be submitted pursuant to this chapter.

(B) A receiving district may terminate the enrollment of a nonresident student enrolled pursuant to this chapter at the end of a school year if the:

(1) student meets the definition of a habitual truant;

(2) student fails to comply with requirements for attending school or class;

(3) student has committed violations of the receiving district’s student code of conduct resulting in ten or more days of suspension; or

(4) superintendent of the district of residence, the superintendent of the receiving district, and the parent having submitted the application for enrollment agree for any reason to terminate the enrollment.

Section 59‑62‑90. (A) The parent is responsible for transporting the student to and from the school. However, nothing in this chapter shall be construed as prohibiting resident districts or the receiving districts from providing bus transportation on any approved route and districts are encouraged to collaborate in the development of transportation plans for students whose parents are unable to provide transportation.

(B) Parents or guardians of students attending a receiving school district, whose family income is one hundred eighty‑five percent or less of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services, making them eligible for free or reduced‑price lunches, shall be eligible for transportation services provided by the school district or shall be eligible for transportation reimbursement from the district with funds appropriated by the General Assembly for that purpose. Should the General Assembly fail to appropriate funds for this purpose, receiving school districts shall be under no obligation.

(C) With funds appropriated by the General Assembly, the department shall reimburse receiving school districts for transportation expenses as provided in subsection (B) of this section. The rate of reimbursement shall be pursuant to State Board of Education regulations.

Section 59‑62‑100. (A) A student enrolled in a receiving district pursuant to this chapter must be included in the average daily membership of the receiving district for the purposes relating to the allocation of all state and federal education funding and must not be included in the average daily membership of the district of residence for these purposes.

(B) Districts shall receive one hundred percent of the base student cost from the State for nonresident students enrolled pursuant to this chapter.

Section 59‑62‑110. (A) A student enrolled in a receiving school pursuant to this chapter is ineligible to participate in interscholastic athletic contests and competitions for one calendar year after the student’s date of enrollment in the receiving school or, if the student makes subsequent transfers, for one calendar year from the date of each transfer. This restriction does not apply to a student’s initial transfer from his district of residence if the sport in which the student wishes to participate is not offered in the student’s previous school.

(B) A student may not gain eligibility to participate in extracurricular activities in violation of policies governing eligibility as a result of an enrollment transfer to another school.

Section 59‑62‑120. (A) A receiving district shall accept credits for a course completed in another accredited school and shall apply those credits toward the student’s requirements for graduation.

(B) The receiving district shall award a diploma to a nonresident student if the student meets all state requirements for graduation.

Section 59‑62‑130. Open enrollment does not preclude a school district from contracting with other school districts, educational service providers, or other state‑approved entities for the provision of services. A child with a disability receiving services from another district pursuant to contract due to lack of appropriate programming in his resident school district is not eligible to transfer as an open enrollment student into the district currently providing services, but is eligible to transfer as an open enrollment student into another district that has an appropriate program and has not reached enrollment capacity.

Section 59‑62‑135. (A) A school district may apply to the State Board of Education for a waiver to phase in the implementation of the ‘School District Choice and Open Enrollment Programs’ required by this chapter on an alternate schedule proposed by the district other than as required by this chapter. The State Board of Education may grant the waiver request upon good cause shown.

(B) A school district also may apply to the State Board of Education, separately from the waiver authorized by subsection (A), for a waiver of the requirement in Section 59‑62‑70 that the district accept students at a particular school residing outside the school’s attendance area not in excess of three percent of the school’s highest average daily membership in any year over the preceding ten‑year period with this requirement phased in at a yearly increase of one percent of the school’s previous year’s average daily membership. The State Board of Education may grant the waiver request upon good cause shown.

(C) In addition to the other waiver requests permitted by this section, a school district in the process of consolidation may request a waiver from all requirements of this chapter until the consolidation is completed. Thereafter, the provisions of this chapter then shall apply to the district in the manner specified in the waiver request. The State Board of Education may grant the waiver request upon good cause shown.

Section 59‑62‑140. The department shall conduct an annual survey of districts to determine the number of students participating in the Open Enrollment Program. The participants must be reported according to the number of resident students enrolling in a school other than the school in their attendance zone, the number of nonresident students enrolled, and the number of denied applications. The department annually shall report these findings to the General Assembly by January first.

Section 59‑62‑150. Implementation of this chapter each fiscal year is contingent upon the appropriation of adequate funding as documented by a fiscal impact statement provided by the Office of State Budget of the State Budget and Control Board to the General Assembly and the department on or before February fifteenth of each year estimating the cost of implementation for the ensuing fiscal year; provided that for fiscal year 2012‑2013 the cost of implementation shall be as determined in the fiscal impact statement of the act enacting this chapter. There is no mandatory financial obligation to public schools or public school districts with respect to this chapter if state funding is not appropriated for each fiscal year of implementation as provided for in the annual fiscal impact statement of the Office of the State Budget of the State Budget and Control Board provided for above.

Section 59‑62‑160. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this chapter is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this chapter, the General Assembly hereby declaring that it would have passed this chapter, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

On motion of Senator HAYES, the Bill was carried over.

**CARRIED OVER**

H. 5026 -- Rep. J.E. Smith: A BILL TO AMEND SECTION 1‑23‑600, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HEARINGS AND PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW COURT, SO AS TO DELETE AN OBSOLETE REFERENCE EXEMPTING APPEALS FROM THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE TO THE COURT.

On motion of Senator CAMPSEN, the Bill was carried over.

H. 4763 -- Reps. Sandifer, King, Butler Garrick and Parks: A BILL TO AMEND SECTION 32‑7‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACT LICENSES, SO AS TO FURTHER PROVIDE FOR THE TERM OF THE LICENSE AND FOR THE USE OF LICENSE RENEWAL FEES; AND TO AMEND SECTION 32‑7‑100, AS AMENDED, RELATING TO UNLAWFUL VIOLATIONS OF LAW PERTAINING TO PRENEED FUNERAL CONTRACTS, SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS BASED ON THE AMOUNT OF MONEY OBTAINED OR SOUGHT TO BE OBTAINED WITH CERTAIN OFFENSES DECLARED TO BE MISDEMEANORS AND CERTAIN OFFENSES DECLARED TO BE FELONIES.

On motion of Senator CAMPSEN, the Bill was carried over.

H. 3111 -- Reps. Young, Sandifer, Hayes and D.C. Moss: A BILL TO AMEND SECTION 38‑73‑525, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT AN INSURER WRITING A WORKERS’ COMPENSATION POLICY SHALL FILE CERTAIN INFORMATION ON WHICH IT RELIES TO SUPPORT ITS RATE REQUEST, SO AS TO REQUIRE THE INSURER TO ADOPT THE MOST RECENT LOSS COST WITHIN ONE HUNDRED TWENTY DAYS OF APPROVAL OF THE LOSS COSTS; AND TO AMEND SECTION 38‑73‑1210, RELATING TO THE REQUIREMENT THAT ITS OBLIGATION TO MAKE CERTAIN FILINGS MAY BE SATISFIED BY MAKING FILINGS AS A MEMBER OF, OR SUBSCRIBER TO, A LICENSED RATING ORGANIZATION THAT MAKES FILINGS, SO AS TO REQUIRE THESE FILINGS BE RULE AND FORM FILINGS AND NOT LOSS COST ADOPTION FILINGS, AND REQUIRE THE INSURER TO FILE FOR CERTAIN APPROVAL IF THE RATING ORGANIZATION TO WHICH IT SUBSCRIBES HAS A RATE INCREASE WITHIN TWELVE MONTHS AFTER THE INSURER BECOMES A MEMBER.

On motion of Senator THOMAS, the Bill was carried over.

**OBJECTION**

Senator THOMAS objected to the remaining Bills on the Statewide Uncontested Second Reading Calendar.

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 4813, THE GENERAL APPROPRIATIONS BILL.**

**SENATE FINANCE COMMITTEE REPORT ADOPTED**

**AMENDED, DEBATE INTERRUPTED**

**H. 4813--GENERAL APPROPRIATIONS BILL**

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Finance.

Senator LEATHERMAN, Chairman of the Committee on Finance, spoke on the Bill.

**Motion Adopted  
Report of the Committee on Finance Adopted**

Senator LEATHERMAN asked unanimous consent to make a motion that the Report of the Committee on Finance be adopted, with all members reserving the right to raise any Points of Order and to offer amendments without regard to questions of degree.

There was no objection and the motion was adopted.

**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent, staff members from the Budget and Control Board were authorized as necessary to be in that area behind the rail and, further, that Finance Committee staff and other staff designated by the President *Pro Tempore* were admitted to the floor of the Senate Chamber while debate was in progress on H. 4813, the General Appropriations Bill.

There was no objection and the motion was adopted.

**Report of the Subcommittee on Public Education (K-12)**

Senator HAYES, Chairman of the Subcommittee on Public Education, was recognized to report to the Senate regarding the work of the subcommittee.

**Report of the Subcommittee on Constitutional**

**and Criminal Justice**

Senators THOMAS and FAIR were recognized to report to the Senate regarding the work of the Subcommittee on Constitutional and Criminal Justice.

**Report of the Subcommittee on Higher Education**

Senator COURSON, Chairman of the Subcommittee on Higher Education, was recognized to report to the Senate regarding the work of the subcommittee.

**Report of the Subcommittee on Health and Human Services**

Senator ALEXANDER, Chairman of the Subcommittee on Health and Human Services, was recognized to report to the Senate regarding the work of the subcommittee.

**Report of the Subcommittee on Natural Resources and  
Economic Development**

Senator McGILL, Chairman of the Subcommittee on Natural Resources and Economic Development, wasrecognized to report to the Senate regarding the work of the subcommittee.

**Call of the Senate**

At 2:26 P.M., Senator LEVENTIS moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Ford Gregory Hayes

Jackson Knotts Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Reese

Rose Ryberg Scott

Setzler Shoopman Williams

A quorum being present, the Senate resumed.

**Amendment No. 4**

Senator BRYANT proposed the following amendment (4813R009.KLB.KLB.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 79, ELECTION COMMISSION, page 470, after line 36, by adding an appropriately numbered new proviso to read:

*/ 79.\_\_\_. (ELECT: Straight Party Ticket) Those provisions of Chapter 13, Title 7 of the 1976 Code that permit straight party ticket voting are suspended. The State Election Commission may not expend funds appropriated by this act to produce or distribute ballots that provide for straight party ticket voting in the 2012 general election, except as provided by federal law for uniformed and overseas citizens voting a straight party ticket on a write-in absentee ballot for national offices.*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRYANT explained the amendment.

**Point of Order**

Senator LEVENTIS raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator LEVENTIS spoke on the amendment.

Senator BRYANT spoke on the Point of Order.

Senator CAMPSEN spoke on the Point of Order.

Senator LARRY MARTIN spoke on the Point of Order.

Senator SCOTT spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

Amendment No. 4 was ruled out of order.

**Amendment No. 5**

Senator COLEMAN proposed the following amendment (DG VETAFFAIR), which was adopted (#1):

Amend the bill, as and if amended, Part IB, Section 86, AID TO SUBDIVISIONS-STATE TREASURER, page 482, by striking paragraph 86.1 in its entirety and inserting:

/  86.1.      (AS-TREAS: Veterans’ Affairs-Aid to Counties) In the allocation of the appropriation in Part IA, Section 86, as adjusted for “Aid to County Veteran Offices,” each county shall receive an effective annual amount equal to one hundred percent of the amount allocated to it for the prior fiscal year plus an amount equivalent to base pay increases for state employees, less any adjustments made for budget reductions.  This allocation shall be distributed on a quarterly basis to the County Treasurer who will handle and distribute these monies for the sole benefit and use of the County Veterans' Affairs Offices. *These allocations must be kept in an account which is separate and distinct from the general fund of the county. The County Treasurer shall disburse the allocations to the County Veterans’ Affairs Office upon written request from the county veterans’ affairs officer.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator COLEMAN explained the amendment.

Amendment No. 5 was adopted.

**Amendment No. 9**

Senator SETZLER proposed the following amendment (DG SCHOOLTRANS), which was adopted (#2):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 522, paragraph 89.137, by striking lines 8 - 10 and inserting:

/ *funding. The committee shall consist of eleven members as follows: four members appointed by the President Pro Tempore of the Senate, one of whom must be a school finance officer and one of whom must be a minority-party member of the Senate, four members appointed by the Speaker of the House of Representatives, one of whom must be a school finance officer and one of whom must be a minority-party member of the House, and three members appointed by the Governor. Vacancies on the committee shall be* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SETZLER explained the amendment.

Amendment No. 9 was adopted.

**Objection**

H. 4997 -- Reps. Stringer, Bingham, Harrell, Norman, Clemmons, Quinn, Ballentine, Spires, Brannon, McCoy, Ryan, Patrick, Bedingfield, Parker, Taylor, Brady, Murphy, Bowen, Hearn, Nanney, Sottile, Loftis, Lowe, J.R. Smith, Allison, Atwater, Bannister, Chumley, Crosby, Daning, Delleney, Erickson, Hamilton, Hardwick, Henderson, Herbkersman, Hixon, Horne, Limehouse, Long, Merrill, D.C. Moss, V.S. Moss, Owens, Pinson, Pope, Sandifer, Simrill, G.M. Smith, G.R. Smith, Tallon, Willis, Young and Forrester: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑6‑511 SO AS TO ELIMINATE THE FOUR, FIVE, AND SIX PERCENT INCOME BRACKETS AND INSTEAD TAX THOSE INCOMES AT THREE PERCENT.

Senator SHANE MARTIN asked unanimous consent to make a motion to recall the Bill from the Committee on Finance.

Senator LEATHERMAN objected.

**Amendment No. 13**

Senator BRIGHT proposed the following amendment (DG 90.20SUTA25), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 536, paragraph 90.20, after line 32, by adding an appropriately lettered subsection to read:

/ ( ) Notwithstanding the provisions of this paragraph, the amounts appropriated in subsection (B)(3) through subsection (B)(63) are reduced by twenty-five percent, and the amounts reduced by this subsection shall be deposited in the State Unemployment Insurance Trust Fund (SUTA). /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator LEVENTIS moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 34; Nays 4**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Ford Grooms

Hayes Hutto Jackson

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey Matthews McGill

Nicholson Peeler Rankin

Reese Rose Ryberg

Scott Setzler Shoopman

Williams

**Total--34**

**NAYS**

Bright Bryant Fair

*Martin, Shane*

**Total--4**

The amendment was laid on the table.

**Amendment No. 11**

Senator HUTTO proposed the following amendment (4813 LEAVE.EDUCATION.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 346, after line 24, by adding an appropriately numbered new proviso to read:

/1. . (*SDE: Leave) The Superintendent of Education shall repay the State General Fund for every annual leave day beyond the average number of days taken by State Department of Education employees.*   */*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO explained the amendment.

Senator LARRY MARTIN spoke on the amendment.

**Point of Order**

Senator DAVIS raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

Amendment No. 11 was ruled out of order.

**Expression of Personal Interest**

Senator CAMPBELL rose for an Expression of Personal Interest.

**Point of Order**

Senator BRYANT raised a Point of Order that Section 1.17 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**1.17.** (SDE: Transportation Collaboration) The Department of Education School Bus Maintenance Shops shall be permitted, on a cost reimbursable-plus basis, to deliver transportation maintenance and services to vehicles owned or operated by public agencies in South Carolina.

School buses operated by school districts, other governmental agencies or head start agencies for the purpose of transporting students for school or school related activities shall not be subject to state motor fuel taxes. Further, that school districts, other governmental agencies or head start agencies may purchase this fuel, on a cost reimbursable-plus basis, from the Department of Education School Bus Maintenance Shops.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRYANT raised a Point of Order that Section 1.19 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**1.19.** (SDE: Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may ~~only~~ be filled *either* by ~~individuals~~ *an individual* receiving a W-2 ~~(or other form should the Internal Revenue Service change the individual reporting form to another method)~~ from the hiring school district*, or in the case of a charter school authorized under title 59, Chapter 49, an individual employed by an entity under contract with the school district may fill such a position. However, if such a position in a charter school is filled by an individual that does not receive a W-2 from the hiring school district, the total compensation for the individual shall not exceed the total compensation of the highest paid individual in a similar position at a school district of the same or lesser size of the charter school in the state of South Carolina. If such total compensation does exceed that amount, the school’s EFA and/or EIA allocation shall be reduced by the amount which such compensation exceeds that amount specified in the previous sentence.* ~~Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity.~~ Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. ~~Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.~~

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRYANT raised a Point of Order that Section 1.24 of Part 1B was out of order inasmuch as it was violative of Rule 24A.  
 **1.24.** (SDE: Basic Skill Exam) Any person seeking candidacy in an undergraduate teacher education program is required to take and pass the teacher candidate basic skill examination pursuant to Sections 59‑26-20 and 59‑26‑40. Any person who fails to achieve a passing score on all sections shall be allowed to retake the test or a portion thereof. All sections of the teacher candidate basic skill examination must be passed before any person is formally admitted into any undergraduate teacher preparation program in South Carolina. However, any person having attained 1650 or better on the SAT or a comparable ACT score shall be exempt from this requirement.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRYANT raised a Point of Order that Section 1.33 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**1.33.** (SDE: Sale of School District Property) Notwithstanding Section 59-19-250 of the 1976 Code, during the current fiscal year, school trustees of a school district which do not currently have the authority to do so, may sell or lease school property, real or personal, in their school district whenever they deem it expedient to do so and apply the proceeds of the sale or lease to the school fund of the district.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRYANT raised a Point of Order that Section 1A.13 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**1A.13.** (SDE-EIA: ~~XI~~ *XII*.C.2-National Board Certification Incentive) Public school classroom teachers to include teachers employed at the special schoolsor classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 shall be paid a $7,500 salary supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governor’s School for Science and Math, Governor’s School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The $7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the $7,500 supplement shall be adjusted on a pro rata basis for the teacher’s FTE and paid to the teacher in accordance with the district’s payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010, may receive a loan equal to the amount of the application fee. Teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010, shall have one-halfof the loan principal amount and interest forgiven when the required portfolio is submitted to the national board. Teachers who applied to the National Board for Professional Teaching standards for certification prior to July 1, 2010, whoattain certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward by the department. The department may retain up to ten percent of the funds collected to offset the administrative costs of loan collection. All other funds shall be retained by the department and used for National Board loan purposes. Of the funds appropriated in Part IA, Section 1, ~~XIII.A.~~ *XII.C.2* for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program for teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010. In addition, teachers who have applied prior to July 1, 2010, and are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010,moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification. Teacher specialists remain eligible for state supplement for National Board certification.

Teachers who begin the application process after July 1, 2007, and prior to July 1, 2010,and who teach in schools which have an absolute rating of below average or at-risk at the time the teacher applies to the National Board for certification, but who fail to obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one-half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the loan will be at the rate of thirty-three percent for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or at-risk during the forgiveness period, or for each year of full time teaching in another school that has an absolute rating of below average or at risk.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRYANT raised a Point of Order that Section 1A.14 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**1A.14.** (SDE-EIA: XI-Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may ~~only~~ be filled *either*by ~~individuals~~ *an individual* receiving a W-2 ~~(or other form should the Internal Revenue Service change the individual reporting form to another method)~~ from the hiring school district*, or in the case of a charter school authorized under title 59, Chapter 49, an individual employed by an entity under contract with the school district may fill such a position*. *However, if such a position in a charter school is filled by an individual that does not receive a W-2 from the hiring school district, the total compensation for the individual shall not exceed the total compensation of the highest paid individual in a similar position at a school district of the same or lesser size of the charter school in the state of South Carolina. If such total compensation does exceed that amount, the school’s EFA and/or EIA allocation shall be reduced by the amount which such compensation exceeds that amount specified in the previous sentence.*~~Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity.~~ Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. ~~Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.~~

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRYANT raised a Point of Order that Section 1A.40 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**1A.40.** (SDE-EIA: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program (CDEPP). This program shall be available for the current school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

(A) For the current school year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et. al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3. With any remaining funds available, the pilot shall be expanded to the remaining plaintiff school districts in Abbeville County School District et al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of ninety percent or greater. Priority shall be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at-risk four-year-old children.

Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September first, of the school year, and meets the at-risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.

The parent of each eligible child may enroll the child in one of the following programs:

(1) a school-year four-year-old kindergarten program delivered by an approved public provider; or

(2) a school-year four-year-old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child’s birth certificate, immunization documentation, and documentation of the student’s eligibility as evidenced by family income documentation showing an annual family income of one hundred eighty-five percent or less of the federal poverty guidelines as promulgated annually by the U.S. Department of Health and Human Services or a statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of 6.5 hours of instructional time daily and operates for a period of not less than one hundred eighty days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

If by October first of the school year at least seventy-five percent of the total number of eligible CDEPP children in a district or county are projected to be enrolled in CDEPP, Head Start or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, CDEPP providers may then enroll pay-lunch children who score at or below the twenty-fifth national percentile on two of the three DIAL-3 subscales and may receive reimbursement for these children if funds are available.

(C) Public school providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.

Providers shall:

(1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;

(2) comply with all state and local health and safety laws and codes;

(3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;

(4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;

(5) comply with all program, reporting, and assessment criteria required of providers;

(6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;

(7) designate whether extended day services will be offered to the parents/guardians of children participating in the program;

(8) be approved, registered, or licensed by the Department of Social Services; and

(9) comply with all state and federal laws and requirements specific to program providers.

Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre-kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment. However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

(D) The Department of Education and the Office of First Steps to School Readiness shall:

(1) develop the provider application form;

(2) develop the child enrollment application form;

(3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;

(4) develop a list of approve pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;

(5) establish criteria for awarding new classroom equipping grants;

(6) establish criteria for the parenting education program providers must offer;

(7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;

(8) develop a list of data collection needs to be used in implementation and evaluation of the program;

(9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;

(10) establish criteria for granting student retention waivers; and

(11) establish criteria for granting classroom size requirements waivers.

(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice and a research based preschool curriculum aligned with school success. The program must focus on the developmental and learning support children must have in order to be ready for school. The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:

(1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;

(2) employ an education assistant with pre-service or in-service training in early childhood education;

(3) maintain classrooms with at least ten four-year-old children, but no more than twenty four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of ten children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;

(4) offer a full day, center-based program with 6.5 hours of instruction daily for one hundred eighty school days;

(5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;

(6) engage parents’ participation in their child’s educational experience that shall include a minimum of two documented conferences per year; and

(7) adhere to professional development requirements outlined in this article.

(F) Every classroom providing services to four-year-old children established pursuant to this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children five years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of fifteen hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of pre-kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than $185 per student shall be retained by the Department of Education for the purposes of transporting four-year-old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act.

(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:

(1) serve as the fiscal agent;

(2) verify student enrollment eligibility;

(3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider’s availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;

(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;

(5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;

(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;

(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;

(8) maintain a database of the children enrolled in the program; and

(9) promulgate guidelines as necessary for the implementation of the pilot program.

(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:

(1) serve as the fiscal agent;

(2) verify student enrollment eligibility;

(3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider’s availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;

(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;

(5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;

(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;

(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;

(8) maintain a database of the children enrolled in the program; and

(9) promulgate guidelines as necessary for the implementation of the pilot program.

(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the current school year, the funded cost per child shall be $4,218 increased annually by the rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall be eligible for a reimbursement of $550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. Providers enrolling between one and six eligible children shall be eligible to receive up to $1,000 per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed $10,000. Providers receiving equipment grants are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.

(L) Pursuant to this provision, the Department of Social Services shall:

(1) maintain a list of all approved public and private providers; and

(2) provide the Department of Education and the Office of First Steps information necessary to carry out the requirements of this provision.

(M) The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRYANT raised a Point of Order that Section 1A.44 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**1A.44.** (SDE-EIA: Carry Forward) EIA carry forward from the prior fiscal year and Fiscal Year ~~2011-12~~ *2012-13* and not otherwise appropriated or authorized must be carried forward and expended for school bus fuel costs. Any unexpended funds must be carried forward and expended for the same purpose.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRYANT raised a Point of Order that Section 1A.49 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**1A.49.** (SDE-EIA: Building Fund Flexibility) For Fiscal Year ~~2011-12~~ *2012-13*, a school district may flex funds appropriated pursuant to the School Building Aid Program.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRYANT raised a Point of Order that Section 6.13 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**6.13.** (CHE: Excellence Enhancement Program Additions) Converse College and Columbia College shall be eligible to receive funds under the Higher Education Excellence Enhancement Program.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRYANT raised a Point of Order that Section 6.18 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**6.18.** (CHE: Mandatory Furlough) In a fiscal year in which the general funds appropriated for an institution of higher learning are less than the general funds appropriated for that institution in the prior fiscal year, or whenever the General Assembly or the Budget and Control Board implements a midyear across-the-board budget reduction, agency heads for institutions of higher learning and the State Board for Technical and Comprehensive Education through policy and procedure for the Technical College System may institute employee furlough programs of not more than twenty working days in the fiscal year in which the deficit is projected to occur. The furlough must be inclusive of all employees in an agency or within a designated department or program regardless of source of funds, place of work, or tenure status, and must include employees in classified positions and unclassified positions as well as agency heads. A furlough program may also be implemented by pay band for classified employees and by pay rate for unclassified employees. Law enforcement, employees who provide direct patient or client care, and front-line employees who deliver direct customer services may be exempted from a mandatory furlough. If the furlough includes the entire agency, the furlough must include the agency head. Scheduling of furlough days, or portions of days, shall be at the discretion of the agency or individual institution. In the event that an agency implements both a voluntary furlough program and a mandatory furlough program during the fiscal year, furlough days taken voluntarily will count toward furlough days required by the mandatory furlough. During this furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, including but not limited to contributions to the South Carolina Retirement System or the optional retirement program, institutions will be responsible for making both employer and employee contributions during the time of the furlough if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Act. In the event an institution’s reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply. The implementation of a furlough program authorized by this provision shall be on an institution by institution basis. Agencies may allocate the employee’s reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs if that employee is non-exempt under the provisions of the federal Fair Labor Standards Act. State agencies shall report information regarding furloughs to the Office of Human Resources of the Budget and Control Board as requested.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRYANT raised a Point of Order that Section 24.2 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**24.2.** (DDSN: Sale of Excess Real Property) The department is authorized to retain revenues associated with the sale of excess real property owned by, under the control of, or assigned to the department and may expend these funds as grants to purchase or build community residences and day program facilities for the individuals DDSN serves. The department shall follow all the policies and procedures of the Budget and Control Board and the Joint Bond Review Committee.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRYANT raised a Point of Order that Section 26.23 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**26.23.** (DSS: Day Care Facilities Supervision Ratios) For Fiscal Year ~~2011-12~~ *2012-13*, staff-child ratios contained in Regulations 114-504(B), 114-504(C), 114-524(B), and 114-524(C) shall remain at the June 24, 2008 levels.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRYANT raised a Point of Order that Section 76.2 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**76.2.** (TREAS: STARS Approval) Decisions relating to the Statewide Accounting and Reporting System (STARS) *and the South Carolina Enterprise Information System (SCEIS)* which involve the State Treasurer’s Banking Operations and other functions of the State Treasurer’s Office shall require the approval of the State Treasurer.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRYANT raised a Point of Order that Section 80B.1 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

***80B.1.*** *(BCB/AUD: Audit Timeframes) The State Auditor may examine less often than annually agencies, departments, commissions and divisions provided that every such agency, department, commission or division shall be examined no less often than every third year. The State Auditor will develop and maintain a schedule to ensure compliance with this provision.*

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRYANT raised a Point of Order that Section 89.7 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**89.7.** (GP: Fee Increases) (A) No state agency, department, board, committee, commission, or authority, may increase an existing fee for performing any duty, responsibility, or function unless the fee for performing the particular duty, responsibility, or function is authorized by statutory law and set by regulation except as provided in this paragraph.

(B) This paragraph does not apply to:

(1) state-supported governmental health care facilities;

(2) state-supported schools, colleges, and universities;

(3) educational, entertainment, recreational, cultural, and training programs;

(4) the State Board of Financial Institutions;

(5) sales by state agencies of goods or tangible products produced for or by these agencies;

(6) charges by state agencies for room and board provided on state-owned property;

(7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;

(8) court fees or fines levied in a judicial or adjudicatory proceeding;

(9) the South Carolina Public Service Authority or the South Carolina Ports Authority.

(C) This paragraph does not prohibit a state agency, department, board, committee, or commission from increasing fees for services provided to other state agencies, departments, boards, committees, commissions, political subdivisions, or fees for health care and laboratory services regardless of whether the fee is set by statute.

(D) Statutory law for purposes of this paragraph does not include regulations promulgated pursuant to the State Administrative Procedures Act.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRYANT raised a Point of Order that Section 39.11 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**39.11.** (PRT: Additional Motion Picture Bonus-Rebate) In addition to the fifteen percent rebate authorized pursuant to Section 12-62-50, the South Carolina Film Commission may provide an additional Bonus-rebate to a motion picture production company of up to five percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production. In addition to the fifteen percent rebate authorized pursuant to Section 12-62-60, the South Carolina Film Commission may provide an additional bonus-rebate to a motion picture production company of up to fifteen percent of the expenditures made by the motion picture production company in the State.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator MASSEY raised a Point of Order that Section 90.5 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**90.5.** (SR: Criminal Justice Academy Funding) (A) In addition to all other assessments and surcharges, during the current fiscal year, a five dollar surcharge to fund training at the South Carolina Criminal Justice Academy is also levied on all fines, forfeitures, escheatments, or other monetary penalties imposed in the general sessions court or in magistrates’ or municipal court for misdemeanor traffic offenses or for non-traffic violations. No portion of the surcharge may be waived, reduced, or suspended. The additional surcharge imposed by this section does not apply to parking citations.

(B) The revenue collected pursuant to subsection (A) must be retained by the jurisdiction, which heard or processed the case and paid to the State Treasurer within thirty days after receipt. The State Treasurer shall transfer the revenue quarterly to the South Carolina Criminal Justice Academy.

(C) The State Treasurer may request the State Auditor to examine the financial records of any jurisdiction which he believes is not timely transmitting the funds required to be paid to the State Treasurer pursuant to subsection (B). The State Auditor is further authorized to conduct these examinations and the local jurisdiction is required to participate in and cooperate fully with the examination.

The PRESIDENT took the Point of Order under advisement.

**Amendment No. 6**

Senator FAIR proposed the following amendment (DC LGF QUARTERLY DISTRIBUTION 3), which was adopted (#3):

Amend the bill, as and if amended, Part IB, Section 86, AID TO SUBDIVISIONS-STATE TREASURER, page 482, proviso 86.3, by striking the proviso in its entirety, lines 15 - 19 and inserting / *For Fiscal Year 2012-13, one quarter of the amount appropriated in Part IA for Aid to Subdivisions-Local Government Fund shall be distributed as soon after the beginning of each quarter as practical with the four distributions together totaling the 2012-13 Part IA appropriation for the Local Government Fund.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator FAIR explained the amendment.

Amendment No. 6 was adopted.

**Amendment No. 15**

Senator CLEARY proposed the following amendment (DG FEESTUDY), which was adopted (#4):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 522, after line 17, by adding an appropriately numbered new proviso to read:

/ 89.\_\_\_ (GP: Fee for Service Report) If a state agency, not including a public institution of higher learning as defined in Section 59‑103‑5, assesses a fee for the rendering of a service, then by June first of the current fiscal year, the agency must submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee detailing the amount collected and the cost of performing the service in the first ten months of the fiscal year. In the portion of the report detailing the cost of performing the service, the agency must attempt to state:

(1) an approximation of the indirect costs of administration of the specific program that provides the service;

(2) the number of employees required to provide the service and the approximate costs associated therewith; and

(3) an approximation of the direct incremental costs of performing the service itself per individual transaction. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CLEARY explained the amendment.

The amendment was adopted.

**Amendment No. 16**

Senator LOURIE proposed the following amendment (NBD\  
12444DG12), which was carried over:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 522, after line 17, by adding an appropriately numbered new proviso to read:

*/89.\_\_ (GP: Privatization Approval) In the current fiscal year, without prior approval, by joint resolution, of the General Assembly, a state agency, department, board, or commission shall not contract to privatize a service or function performed by the entity and its employees in the previous fiscal year if:*

*(1) the entity expends $500,000 or more to perform the service or function over an eighteen month period; or*

*(2) the privatization results in a reduction of force affecting ten or more employees of the entity, in the aggregate, over an eighteen month period.*

*This paragraph does not apply to any public institution of higher learning, as defined in Section 59‑103‑5.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LOURIE explained the amendment.

**Point of Order**

Senator SHANE MARTIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator LOURIE spoke on the Point of Order.

Senator SHANE MARTIN spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

Amendment No. 16 was carried over.

**Objection**

Senator RYBERG asked unanimous consent to make a motion that the Bill be given a second reading with notice of general amendments on third reading, carrying over all amendments to third reading, with all members reserving the right to raise any Points of Order and to offer amendments without regard to questions of degree.

Senator CAMPSEN objected.

**Expression of Personal Interest**

Senator MASSEY rose for an Expression of Personal Interest.

At 5:05 P.M., Senator MASSEY moved that the Senate stand adjourned.

On motion of Senator MASSEY, the motion to adjourn was withdrawn.

**Motion Adopted**

Senator COURSON asked unanimous consent to make a motion that when the Senate adjourns, it stand adjourned to meet tomorrow at 10:00 A.M.

There was no objection and the motion was adopted.

On motion of Senator MASSEY, debate was interrupted by adjournment.

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

James E. Talley, 482 South Irwin Ave., Spartanburg, SC 29306

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

James F. Ashmore, 302 Five Oaks Dr., Landrum, SC 29356

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Kenneth H. Dover, Post Office Box 642, Inman, SC 29349

Initial Appointment, Williamsburg County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Glannie E. Tisdale, 972 Taft Road, Salters, SC 29590

Reappointment, Greenville County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Lyman W. Davis, 608 North Weston Street, Fountain Inn, SC 29644

Reappointment, Greenville County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

William E. Lynch, 211 Pimlico Rd., Greenville, SC 29607

Reappointment, Greenville County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

William D. Owens, 250 Laurel Road, Greer, SC 29651

Reappointment, Greenville County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Gerald W. Barron, 20 Farrell Kirk Lane, Greenville, SC 29615

**MOTION ADOPTED**

On motion of Senator COURSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. William B. Lawrence, Jr., beloved father-in-law of Senator Davis.

and

**MOTION ADOPTED**

On motion of Senator SHANE MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Reverend James R. Gaunce of Pauline, S.C. Rev. Gaunce was a retired minister, principal and teacher. He was the beloved husband of Avanelle, and devoted father of four daughters, one daughter having predeceased him, and doting grandfather of four. Rev. Gaunce was the last surviving member of his family.

**ADJOURNMENT**

At 5:06 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 10:00 A.M.

\* \* \*